

**You are hereby summoned to attend an extraordinary meeting of the**

**MAIDSTONE BOROUGH COUNCIL**



Date: Monday 4 February 2013

Time: 6.30 p.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Nelson-Gracie (The Mayor), Ash, Barned, Beerling, Black, Mrs Blackmore, Brindle, Burton, Butler, Chittenden, Collins, Cox, Cuming, Daley, English, Garland, Mrs Gibson, Mrs Gooch, Greer, Ms Griffin, Mrs Grigg, Harwood, Mrs Hinder, Hogg, Hotson, Mrs Joy, Lusty, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Moss, Munford, Naghi, Newton, Paine, Parvin, Mrs Parvin, Paterson, Pickett, Mrs Ring, Mrs Robertson, Ross, Sams, Springett, Mrs Stockell, Thick, Vizzard, Warner, Watson, de Wiggondene, J.A. Wilson, Mrs Wilson and Yates

**Continued Over/:**

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**Issued on 24 January 2013**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Council, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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## **AGENDA**

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1. Apologies for Absence
2. Dispensations (if any)
3. Disclosures by Members and Officers
4. Disclosures of Lobbying
5. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
6. Minutes of the meeting of the Borough Council held on 12 December 2012 1 - 8
7. Mayor's Announcements
8. Petitions
9. Question and Answer Session for Members of the Public
10. Questions from Members of the Council to the
  - (a) Leader of the Council
  - (b) Cabinet Members
  - (c) Chairmen of Overview and Scrutiny Committees
  - (d) Chairmen of other Committees
11. Report of the Corporate Services Overview and Scrutiny Committee - Review of Corporate Governance 9 - 89

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 12 DECEMBER 2012**

**Present:** Councillor Nelson-Gracie (The Mayor) and Councillors Ash, Barned, Beerling, Black, Mrs Blackmore, Brindle, Burton, Butler, Chittenden, Collins, Cox, Cuming, English, Garland, Mrs Gibson, Mrs Gooch, Greer, Ms Griffin, Mrs Grigg, Mrs Hinder, Hogg, Hotson, Mrs Joy, Lusty, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Moss, Munford, Newton, Paine, Parvin, Mrs Parvin, Paterson, Mrs Ring, Ross, Sams, Springett, Mrs Stockell, Thick, Vizzard, Warner, Watson, J.A. Wilson, Mrs Wilson and Yates

65. FLIGHT LIEUTENANT JIMMY CORBIN DFC

The Council stood in silence for one minute in memory of Flight Lieutenant Jimmy Corbin DFC, a Freeman of the Borough, who died on 10 December 2012 at the age of 95.

66. PRAYERS

Prayers were said by the Reverend Canon Chris Morgan-Jones.

67. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Daley, Naghi, Pickett, Mrs Robertson and de Wiggondene.

68. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

69. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the petition to be presented relating to the new Parish Services Scheme.

70. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

71. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 19 SEPTEMBER 2012

RESOLVED: That the Minutes of the meeting of the Borough Council held on 19 September 2012 be approved as a correct record and signed.

72. MAYOR'S ANNOUNCEMENTS

The Mayor announced that:-

- He wished to welcome Councillor Mrs Belinda Watson to her first meeting of the Council.
- He and the Mayoress had now attended over 220 events, and he would like to thank the Deputy Mayor and the previous Mayor, Councillor Brian Mortimer, for their help and input.
- He had attended the official opening of the Kent History and Library Centre by the Duke of Kent on 11 December 2012.
- He wished to remind Members of forthcoming events, including the Charity Quiz Night on 1 February 2013.

73. PETITIONS

Councillor John Perry, the Chairman of Staplehurst Parish Council, presented a petition in the following terms on behalf of residents of the Borough living in parished areas and the Maidstone Area Committee of the Kent Association of Local Councils:-

*We the undersigned believe that the removal of the Concurrent Functions Grant and its replacement by the proposed Parish Services Scheme will seriously damage the provision of essential local services or lead to a significant percentage increase in the tax burden on residents of parished areas. We further believe that the proposal will cause an unfair difference in the treatment of residents between parished and unparished areas and re-establish double-taxation on Parishes that the Concurrent Functions Grant has addressed over the last 20 years or more. We call upon Maidstone Borough Council to turn away from the proposed abolition of the Concurrent Functions Grant and to continue with current arrangements (that have already been subject to cuts of more than 35% since 2010-11). Alternatively, we call upon Maidstone Borough Council to establish an alternative rating system for Parishes to reflect their lesser absorption of Borough services, while recognising that Parishes must play their part in keeping the overall standards and central services of the Borough at an acceptable level. Should Maidstone Borough Council not commit, as a matter of priority, to maintaining funding for parished areas at the current level (which is already substantially reduced), we call on our Parish Council to arrange an appropriate poll under the 1972 Local Government Act, in co-ordination with other Parishes within the Borough.*

During the discussion on the petition, Members made a number of points including:-

- It was accepted that there was a need to review the existing Concurrent Functions arrangements, and that funding should be based on the services provided. However, Concurrent Functions funding had been cut by more than 30% already, and this was far greater than cuts to other budgets. Parish Councils played a fundamental role in local government and needed flexibility in decision making. The situation should be reviewed.
- It was difficult to justify cutting the funding for Parishes by more than 30%, given the underspend on the revenue budget, and then proposing what appeared to be a further 80% cut in funding. Parish Councils had a degree of autonomy over how they spent their money and to take this away was not in the spirit of localism. Parish Councils were united in their opposition to the change in arrangements and disappointed about the way in which the negotiations had been conducted taking into account the good working relationship which had been fostered between the Borough and Parish Councils over many years. It should have been possible to negotiate amendments to the current framework and make budgetary savings.
- The Borough Council's Concurrent Functions Scheme had been regarded as an exemplar, but times had changed and the Scheme was now in need of some amendment. At a time when local Councils were being provided with more flexibility, with an emphasis on devolution and localism, the narrowing of the Scheme went against the thrust of government policy. The new Scheme was narrow in what it included and there was a risk that full value for money for both the Borough and Parish Councils would not be achieved. It was now necessary to draw a line under the past, and move forward to design a Scheme worth having for residents, Parishes and the Borough Council.
- The scale of the reduction in funding for individual Parishes was unacceptable. Parish Councils had their accounts audited and could demonstrate how their funds were spent.
- Further discussions were required to sort out the misunderstandings which had arisen and the misinformation. For example, it should be made clear that Parishes would not be bidding against each other and that the new Scheme was designed to avoid double taxation. In the current economic climate, a Scheme was needed which was clear and transparent and which would work for the benefit of all residents of the Borough.
- Further clarification was required as to the services that the Borough Council would fund.

- Although the new Scheme would recompense Parish Councils for any service they carried out that the Borough Council would otherwise perform, any extra service or standard above that which the Borough would provide would need to be funded through the Parish precept, and this could cause problems for smaller Parishes.
- The intention was to introduce a system that was fair to all residents of the Borough and to provide it in a simple, transparent and accountable manner. The decision had been made to delay the introduction of the new Scheme until 2013/14 to provide a transitional period for Parish Councils to review their services and options.
- In the present economic climate, the existing Concurrent Functions Scheme was unaffordable.
- It was recognised that the entire process relating to the introduction of the new Parish Services Scheme had been very difficult. However, the national economic picture was grim and it was known that in the Comprehensive Spending Review 2014/15 there would be further cuts in local government funding. All three tiers of local government had to think differently about how they administered their finances, directed resources and prioritised. Overall, it was considered that the new Parish Services Scheme was the way forward. There was no statutory requirement upon District Councils to make funding available to Parish Councils, but the new Scheme recognised the needs of Parish Councils and that they carried out services that the Borough Council would otherwise perform. There were concerns that could be overcome. Parish Councils should engage with the Officers to identify their funding requirements and priorities. However, money was tight.

It was suggested that the petition and the points raised in the debate should be referred to the Cabinet as a whole rather than to the relevant Cabinet Member. The Leader of the Council accepted this change.

RESOLVED: That the petition and the points made by Members during the debate be referred to the Cabinet for consideration.

74. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

75. QUESTIONS FROM MEMBERS OF THE COUNCIL

Question to the Leader of the Council

Councillor Moss asked the following question of the Leader of the Council:-

*The Joint Transportation Board at its last meeting rejected the draft Strategic Transport Strategy. This was proposed by Councillor*

*Paul Carter, the Leader of Kent County Council, on the basis that the Strategy was ill-conceived and unaffordable. Funding streams and developer contributions would just not cover the cost of the proposals when taken into account with other necessary infrastructure provision. Much of the debate had focused on a proposal to construct a one way gyratory system at Barming involving Fountain Lane, opening up St Andrew's Road cul-de-sac and Tonbridge Road. These roads would then carry the full A26 traffic flow. Objections were voiced by members of the Stop St Andrew's Road Group who spoke at the meeting; they are supported by over 600 local residents. Several Councillors including myself spoke in their support.*

*The proposal would have serious quality of life issues for the residents of St Andrew's Road and Fountain Lane. Indeed much of the greater Barming area would be affected as the proposal would encourage vehicle rat-runs through the Beverley Estate and North Street.*

*A serious effect of the rethink of the Draft Strategy is that the houses on St Andrew's Road and Fountain Lane are now subject to blight unless there is an assurance that these proposals will not be brought back for further discussion. This blighting effect could last for many months.*

*Would you give your assurance that this proposal will not be considered again in order that we may reflect local community opinion and the need to preserve local quality of life? Also, that cheaper, but no less effective methods, will be explored as an alternative.*

The Leader of the Council responded to the question.

Councillor Moss asked the following supplementary question of the Leader of the Council:-

*I am aware that the recommendations of the Joint Transportation Board are only advisory. Can I have your assurance that the views of local people will form a significant part of the basis upon which decisions are made on the related Integrated Transport and Core Strategies by the Cabinet and the Council, in line with current legislation?*

The Leader of the Council responded to the question.

76. CURRENT ISSUES - REPORT OF THE LEADER OF THE COUNCIL,  
RESPONSE OF THE GROUP LEADERS AND QUESTIONS FROM COUNCIL  
MEMBERS

The Leader of the Council submitted his report on current issues.

After the Leader of the Council had submitted his report, Councillor Mrs Wilson, the Leader of the Opposition, and Councillor Mrs Gooch, the Leader of the Independent Group, responded to the issues raised.

A number of Members asked questions of the Leader of the Council on the issues raised in his speech.

77. REPORT OF THE CABINET HELD ON 21 NOVEMBER 2012 - LOCAL COUNCIL TAX DISCOUNT SCHEME

It was moved by Councillor Hotson, seconded by Councillor Paine, that the recommendations of the Cabinet relating to the new Local Council Tax Discount Scheme be approved.

RESOLVED:

1. That a Local Council Tax Discount Scheme be adopted which introduces the following changes:-
  - An 8.5% reduction in the rate of Council Tax Benefit applicable to all working age households during 2013/14, whilst otherwise maintaining the structure of the current national Scheme.
  - A 13% reduction in the rate of Council Tax Benefit applicable to all working age households during 2014/15 and 2015/16, subject to the future demand and grant received for the Scheme.
  - Removal of the 10% Council Tax discount awarded to owners of second homes from 1 April 2013.
  - A reduction in the period of exemption for vacant properties (Class C) from 6 months to 1 month from 1 April 2013.
2. That the Director of Regeneration and Communities, in consultation with the Cabinet Member for Corporate Services, be given delegated authority to make such changes as are necessary to maintain the operational effectiveness and viability of the Scheme between 2013/14 and 2015/16.
3. That a substantive review of the Scheme be undertaken in 2015/16, with any recommended changes to the Scheme being presented to Cabinet for implementation from 2016/17.

78. REPORT OF THE LICENSING ACT 2003 COMMITTEE HELD ON 12 NOVEMBER 2012 - GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES

It was moved by Councillor Mrs Joy, seconded by Councillor Mrs Hinder, that the recommendation of the Licensing Act 2003 Committee relating to the Gambling Act 2005 Statement of Licensing Principles be approved.

RESOLVED: That the Gambling Act 2005 Statement of Licensing Principles, attached as Appendix A to the report of the Licensing Act 2003 Committee, be approved.



79. REPORT OF THE AUDIT COMMITTEE HELD ON 26 NOVEMBER 2012 - TREASURY MANAGEMENT STRATEGY 2012/13 - MID-YEAR PERFORMANCE

It was moved by Councillor Butler, seconded by Councillor Black, that the recommendation of the Audit Committee relating to the amendment of the Treasury Management Strategy for 2012/13 and the Prudential Indicators be approved.

RESOLVED: That the Treasury Management Strategy for 2012/13 be amended to include confirmation that up to £6m can be borrowed to support the Capital Programme and that the revised Prudential Indicators as set out in Appendix B to the report of the Audit Committee be approved.

80. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - STANDARDS REGIME

It was moved by Councillor Parvin, seconded by Councillor Mrs Stockell, that the recommendations contained in the report of the Head of Democratic Services relating to the ethical standards regime be approved.

RESOLVED:

1. That Mr Don Wright be appointed as Maidstone's reserve Independent Person until June 2013 to be consulted in the event of Mrs Dorothy Phillips being unable to act.
2. That Councillors Paul Butcher and Eileen Riden be re-appointed to serve as non-voting Parish Councillor representatives on the new Standards Committee for a further term of 3½ years until the Annual Meeting of the Council in 2016.

81. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - CALENDAR OF MEETINGS 2013-2014

It was moved by the Mayor, seconded by Councillor Mrs Wilson, that the recommendations contained in the report of the Head of Democratic Services relating to the calendar of meetings for the forthcoming Municipal Year be approved.

RESOLVED:

1. That the calendar of meetings for 2013/14 (Option 1), attached as Appendix A to the report of the Head of Democratic Services, be approved.
2. That the calendar of meetings for 2013/14 (Option 2), attached as Appendix B to the report of the Head of Democratic Services, be approved to take effect should the local elections be delayed until June 2014 to coincide with the European elections.

82. REPORT OF THE HEAD OF DEMOCRATIC SERVICES - COMMITTEE MEMBERSHIP

It was moved by the Mayor, seconded by Councillor B Mortimer, that the recommendation contained in the report of the Head of Democratic Services relating to the membership of Committees be approved.

RESOLVED: That the following changes be approved to reflect the wishes of the Leader of the Liberal Democrat Group:-

Communities Overview and Scrutiny Committee

Substitute Members

Remove Councillor Pickett. Insert Councillor Mrs Watson.

Member and Employment and Development Panel

Members

Insert Councillor Mrs Joy.

83. DURATION OF MEETING

6.30 p.m. to 8.15 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **COUNCIL**

**4 FEBRUARY 2013**

## **REPORT OF THE CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE**

Report prepared by Angela Woodhouse

### 1. **Review of Corporate Governance**

1.1 In 2011 a scrutiny review of the Council's Governance Model was commissioned by the Corporate Services Overview and Scrutiny Committee. A working group of 7 Members representing all groups was established to carry out this review. Attached is their report and findings. The report will be presented by three members of the working group at full Council, following this presentation it is envisaged there will be a debate and then it is hoped that one of the options recommended below will be agreed.

### 1.2 **RECOMMENDED:**

a) Council evaluate the four governance models presented and agree which option to take forward:

- i. No Change
- ii. Hybrid System (Committee System and Scrutiny)
- iii. Retain Cabinet System with enhanced Scrutiny
- iv. Retain Cabinet System and Engage Advisory Committees/Boards

b) If one of the options ii through to iv are selected a politically balanced council working group be appointed by the three group leaders to carry forward and implement the option selected.

c) Council appoint a Member working group to investigate development needs for Members and how this should be approached by the Council.

## **Review of Governance**

### **1. Introduction**

- 1.1. This report has been put together by the Corporate Governance Working Group to outline the options for change for the Council. The review has been Member-led, cross party and taken a variety of approaches. The report sets out 4 options for the Council going forward. The Council is asked to consider these options and agree a way forward, this will be the first step in the process of adopting a new governance model if that is the preferred option for the Council.
- 1.2. If new model approved at full council the process for change will be as follows (option i or iv):
  - Agree model of governance
  - Officer and Member (cross party) Council Working group set up to develop the model in detail.
  - Publicise new model including in at least one newspaper
  - Constitution Amended
  - Model approved prior to or at Annual Council May 2013

### **2. Mandate for Review**

- 2.1. The review was commissioned following a series of events:

A cross party Council motion was passed on 15 December 2010 that "A report be submitted at the appropriate time outlining the advantages and disadvantages of returning to the Committee system and the procedure necessary to achieve this." Following this motion a review of overview and scrutiny was carried out in 2011 by the acting overview and scrutiny manager, culminating in a report to the Scrutiny Coordinating Committee from the Head of Change and Scrutiny. This review resulted in a resolution that a more holistic review of governance and scrutiny be undertaken. The Corporate Governance working group was set up to fulfil the council motion, identify options for governance and review scrutiny and propose the necessary changes.

### 3. Context

3.1. The Local Government Act 2000 was introduced as part of the Government's modernisation of local government. The Act changed the way councils were governed from a committee system to governance by an Executive held to account by an effective overview and scrutiny function. Maidstone Borough Council adopted a Leader and Cabinet system, and Overview and Scrutiny Committees, in May 2001. Maidstone historically has been held up as an example of best practice in scrutiny nationally and has developed initiatives which have been emulated at other councils. In 2009 the overview and scrutiny system was reviewed with the hope of renewing Members' interest and refreshing scrutiny to make sure it was fit for purpose. The 2009 review of the scrutiny function by Members identified that scrutiny was particularly successful when Councillors were engaged and driving it forward. At the time of this review, concern was expressed that Members were not engaged with scrutiny or using it to its full potential. As a consequence of the review a number of changes were made including to the terms of reference of the committees. However since this review further concerns regarding member engagement in overview and scrutiny and consequently its effectiveness have been raised.

#### 3.2. *The Localism Act*

3.2.1. The Act amends the Local Government Act 2000 to allow the Council to adopt one of the following forms of governance:

- (a) Executive arrangements;
- (b) A Committee System; or
- (c) Prescribed arrangements (to be set out in regulations by Secretary of State);

Under executive arrangements strategic decision making powers lie with a small number of elected members; (Cabinet and cabinet members) with the executive making the majority of the member decisions. Decisions are also delegated to officers as set out in the constitution. Overview and scrutiny should act as a check and balance on the Executive; the committees are responsible for reviewing decisions and developing policy.

3.2.2. A Committee System involves groups of councillors from all parties/groups sitting as committees to make decisions as delegated by Council. A number of the committees present in the Council's current committee structure would remain in the Committee System including Planning and Licensing Committees.

3.2.3. The Localism Act also allows local authorities to make alternative proposals to the Secretary of State as long as the proposed governance arrangements meet the following conditions:

- That they would be an improvement on the arrangements already in place at the authority;
- That they ensure the decisions taken by the authority are done in an efficient, transparent and accountable way; and
- That the arrangements would be appropriate for all local authorities, or particular type of local authority, to consider.

### 3.3 *Process for Changing the Governance Arrangements*

3.3.1. The Localism Act specifies in order to change from a Cabinet System to a Committee System, local authorities must:-

- Pass a resolution to change their governance arrangements;
- As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection by the public; and
- Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation

3.3.2. Having passed a resolution and complied with the publicity requirements authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place at the first annual meeting or a later annual meeting as specified in that resolution.

3.3.3. It should be noted that any change to a new scheme would be a 5 year commitment to that model.

## **4. The Approach**

4.1. A cross party working group made up of seven members was set up to carry out the review of governance. The group was supported by the Head of Change and Scrutiny, Angela Woodhouse. In addition a member of the Audit department, Russell Heppleston was involved to provide independent project assurance. A variety of methods were used during the review including desktop research, surveys, workshops and interviews.

- 4.2. The desktop research initially identified 19 Councils who had indicated they may change or who had changed as a result of the Localism Act. (See **Appendix A**) The Councils covered a broad spectrum of political control: 2 Liberal Democrat, 15 Conservative, 1 Green and 1 Labour led authority. The work was split amongst group members to carry out further research to identify suitable case studies. Five were selected for detailed case studies; these are attached at **Appendix B** (Case Studies and Structures). Of the five examined in more detail; 2 were Conservative, 2 Liberal Democrat and 1 Green Party control. Members carried out their own research to identify the catalysts for change, the new structure adopted and any proposed or noted advantages and disadvantages.
- 4.3. Interviews were carried out by a core group of at least three members of the working group. Interviewees included the Corporate Leadership Team, Cabinet, the Head of Democratic Services, All group Leaders and Overview and Scrutiny Chairman, as well as new Members, experienced Members and past Councillors. The group also conducted a survey to which we had 16 responses and conducted an all Member workshop to look at options for Maidstone attended by 15 Councillors. The group has approached this review in an open and objective manner making every effort to involve as many members as possible.

## 5. Findings

### 5.1. Case Studies

5.1.1. Five Councils were examined in detail; these were chosen as they were different types of authorities, with different political control, with different systems to give us as diverse a picture as possible:

- London Borough of Sutton
- Nottinghamshire County Council
- Ribble Valley
- Brighton and Hove
- Kingston Upon Thames

5.1.2. When looking across the five Councils the key catalyst for change was the Localism Act as well as a desire to improve councillor participation and involvement in decision making. In terms of structures adopted two opted for a modern committee system, one a streamlined committee structure and two went for Hybrid systems to suit their respective Councils. Full details on the case studies and structure models are attached at **Appendix B** (Case Studies and Structure Charts) along with a summary of the findings. In terms of the process for reviewing governance all was



carried out via working groups involving members. When looking at the potential advantages of the proposals; greater transparency, improving integrity and increased participation and involvement from Councillors was cited. The disadvantages where evidenced were: increased meetings, increased support required and potential increases in costs. The other considerations identified were the need for continuous member development updating the constitution, time to prepare and implement the new system and consultation with the public.

5.1.3. The governance models identified in the case studies were used to inform the member workshop and made available to those who attended to encourage new ways of looking at the governance arrangements for Maidstone.

## 5.2. Interviews

5.2.1 A wide range of interviews were undertaken by a small section of the working group. In total 20 people were interviewed and two Councillors submitted written evidence. Notes of all the interviews are attached at **Appendix C** (Interview Notes) along with a summary of key points. The review group was keen to hear a range of evidence so both Cabinet, Scrutiny, Experienced and New Councillors were interviewed as well as senior officers.

5.2.2 Cabinet Members gave clear but contrasting views on the effectiveness of scrutiny, generally stating their disappointment that it was not as effective as it could and should be. They also identified that more use could be made of pre-decision scrutiny and a willingness to do so and that scrutiny was not providing an effective challenge. One of the main advantages of the present system was identified as fast, effective decision making. Those with experience of the Committee System identified that it could be slower. Member development, particularly in relation to new members and the effectiveness of the current system was raised as a key issue.

5.2.3 The wider membership gave mixed opinions in relation to how the present system could be changed from a new system to improving what is already in place. It became apparent during the interviews that Members were not aware of all the tools available to them under the present system to influence decision making. New Councillor development was raised and in particular the induction process. It was clear that Member involvement in decision making was an issue as well as the impact and effectiveness of overview and scrutiny. The two former Councillors who were interviewed were both able to give examples of where scrutiny had been effective and the importance of members engaging and leading the process.

5.2.4 Officers believed that the present system worked and the issues were not necessarily about system but culture and how Members were using it. Officers also considered that pre-decision scrutiny was potentially the most effective way for members to influence decisions in the present system. They identified that there could be improved collaboration between scrutiny and cabinet and that scrutiny could be reduced to one committee with working groups to improve clarity and purpose.

### 5.3. Members Survey

5.3.1 An online survey was sent to all Councillors for completion; 16 Members responded to the survey. The survey asked Members what they liked and disliked about the present system, how it could be improved and for their opinions on different models. The responses are attached at **Appendix D** (Member Survey Results).

5.3.2 On the current system Members:

Liked:

- Speed of decision making
- Ability to be decisive
- Allows clear strategic direction
- Efficiency of decision making

Disliked:

- Lack of transparency
- Not enough members involved in decision making
- Undemocratic
- Disempowerment of ward councillors and their residents

5.3.3. How could it be improved:

- Greater pre-decision involvement
- More input from Members
- More use of the scrutiny system
- Better forward planning of decision making
- More consultation

5.3.4 In terms of the different governance models presented they each had mixed reactions. Hybrid 1, service based Committees with 1 Overview and Scrutiny Committee was seen by some to allow more members to be involved and build expertise and by others to be overly cumbersome and to slow down decision making. It was also questioned whether there would be a need to have overview and scrutiny in the system.

5.3.5 In regard to a hybrid model similar to Kent County Council with Cabinet Advisory Committees views ranged from this is a “fudge that brings the worst of both worlds” to “this is the preferable option”. Finally when asked about returning to a committee model concern was raised by some over the speed of decision making, that we couldn’t go back to where we were because “it was cumbersome and lacked direction” with only one indicating this as a preferred option. It was identified during the course of the review that returning to the old Committee System in its entirety would not be possible due to the changing legal framework of local government.

#### 5.4 Member workshop

5.4.1 A Councillor workshop was held with 15 Members, 5 of whom came from the working group. This was greatly disappointing and was felt to be an indicator of some of the issues with Member engagement at present. The workshop reviewed the present system, how it could be improved and possible options for the future. Various views were expressed at the workshop with two models coming forward as appropriate for Maidstone. These models informed the member survey and represent option 2 and 4 in the options highlighted below. Topics discussed included whether 55 Councillors were too many, the presentation of information to Members, Member development, the role of Scrutiny Chairmen, the importance of overview and the speed of decision making. Notes of the workshop are attached at **Appendix E** (Notes of the Member Workshop).

#### 5.5 Conclusions

5.5.1 It was clear from all the sources of evidence that many Members feel disengaged and uninvolved with the present system. Coming through all the evidence was a need for Members continued professional development. Overview and scrutiny in its present form was criticised as it was evident that it could be more effective and put to better use by Members. Cabinet were seen by some to be autocratic and there was a lack of member involvement prior to decisions being made.

## 6. Going Forward – Options

6.1. Outlined below are descriptions of the four options for the council with the advantages and disadvantages of each based on the working groups findings during the course of the review.

### 6.1.1 Option 1 – No Change

This would mean the present system of governance remains as is and the identified issues would not be addressed.

Advantages	Disadvantages
Decisions are made quickly	Lack of Member involvement
Clarity regarding who made the decision	Not clear as to how decisions are reached
Clear accountability	Members cannot build skills

The Corporate Services Overview and Scrutiny Committee requested that the tools available to members be highlighted in this report. Member tools currently available to get involved under the present system:

- Councillor Call for Action
- Placing items on Scrutiny Agendas
- Scrutiny Work Programme setting (annual and each scrutiny meeting)
- Requesting that Officers and Members attend scrutiny meetings
- Calling external witnesses to attend scrutiny meetings
- Call-in of Cabinet and Cabinet Member Decisions
- Minority Reports at scrutiny
- Attending as a visiting member at Cabinet and Scrutiny Committees
- Volunteering for a scrutiny working group
- Asking questions at full Council of the Cabinet and Scrutiny Chairmen
- Refer ward matters to Planning Committee (call-in)

- Proposing a motion at full Council

### 6.1.2. Option 2, A Committee and Scrutiny Hybrid System

#### What will this look like

A model similar to Sutton's see Appendix B, there will be service based committees making decisions similar to the old Committee system plus a scrutiny committee. There will be a 'policy and resources' style committee to set the strategic direction of the council and take key corporate decisions such as setting the budget. The Member workshop identified that this committee's membership should consist of:

- Leader of Council
- Deputy Leader
- Leader of Opposition
- Deputy Leader of Opposition
- Leader of any other group
- Other Members to make it politically balanced

Advantages	Disadvantages
Wider Member buy in and involvement in the decision making process	Decision making is slower
Building up of expertise	Blurred accountability
Greater Member satisfaction	Some members not contributing

If this option was approved work would be required to flesh out the model and identify committee remits and roles.

### 6.1.3. Option 3, Retain Cabinet System with Enhanced Scrutiny

#### What will this look like?

The working group identified during the course of the review that the present system could be improved through greater use of the tools as indicated in para 7.1.1., available to members and more pre-decision scrutiny. This option would require a re-balancing of scrutiny and cabinet to ensure greater involvement in decisions at a much earlier stage. It will also require the present terms of reference for committees to be re-visited and more membership ownership and leadership than at present.

<b>Advantages</b>	<b>Disadvantages</b>
Increased member involvement through more use of pre-decision scrutiny	May not be successful
Less change management involved	Members could still disengage
Collective responsibility for decisions	Could be seen as a rubber stamp

### 6.1.4. Option 4, Retain Cabinet System and Engage Advisory Committees/Boards

#### What do we mean?

In essence this would be a similar model to that adopted by Kent County Council. There would be a reduced scrutiny function with pre-decision member involvement taking place through Cabinet Advisory Committees or Boards, This would mean more committees like the Strategic Housing Advisory Board and the Spatial Policy and Plans Advisory Group.

<b>Advantages</b>	<b>Disadvantages</b>
More member involvement	Could become a rubber stamp for the administration
Wider debate and challenge in pre-decisions	Risk that distinction between the administration and the opposition will be lost
Collective responsibility for decisions	Too many cooks may spoil the broth

## **7. Cost of Change**

- 7.1. The starting point for this research was not what the cost would be, but what would be the best governance model for this borough, however finances are an issue so any system that is chosen cannot be expensive and has to be with manageable costs within present resources. From our research we have found that where there has been change some have cost more, some less and some cost neutral, however in no case has there been vast resource implications. **See Appendix B** (Case Studies and Structure Charts)

## **8. Recommendations**

- a) Council evaluate the four governance models presented and agree which option to take forward:
- i. No Change
  - ii. Hybrid System (Committee System and Scrutiny)
  - iii. Retain Cabinet System with enhanced Scrutiny
  - iv. Retain Cabinet System and Engage Advisory Committees/Boards
- b) If one of the options ii through to iv are selected a politically balanced council working group be appointed by the three group leaders to carry forward and implement the option selected.
- c) Council appoint a Member working group to investigate development needs for Members and how this should be approached by the Council.

<b>COUNCILS WHICH CHANGED TO COMMITTEE SYSTEM THIS YEAR</b>					
<b>Council</b>	<b>Tier</b>	<b>Political Control</b>	<b>Old System</b>	<b>New System (Summary)</b>	<b>Supporting Documentation</b>
Sutton	London Borough	<b>42 LibDem</b> , 11 Conservative, 1 Labour	EXECUTIVE AND SCRUTINY: Executive, 4 scrutiny committees, 5 advisory groups, regulatory committees, 6 Local Committees	COMMITTEE SYSTEM: 5 cross cutting committees (strategy and resources; environment and neighbourhood; children, family and education; housing, economy and business; adult social services and health), 1scrutiny committee, regulatory committees, 6 local committees. Each of the proposed committees would have ten Councillors on them, apart from the Strategy and Resources Committee which would have 15. The new committees would meet five times a year and be politically balanced. Committees would determine how to manage their business and could establish their own working groups or sub-committees if required having regard to the resource implications to ensure that these groups could be properly supported by officers. There would also be specific lead roles for members in certain areas e.g. Resources. There is still a Scrutiny Committee to undertake the council's statutory scrutiny responsibilities in respect of Health, Crime&Disorder, and Flood Risk Management.	Approved 30th April 2012. Minutes and agenda including links to relevant reports: <a href="http://sutton.moderngov.co.uk/mgAi.aspx?ID=19030">http://sutton.moderngov.co.uk/mgAi.aspx?ID=19030</a> ; public document pack at <a href="http://sutton.moderngov.co.uk/mgConvert2Pdf.aspx?ID=4175&amp;T=9">http://sutton.moderngov.co.uk/mgConvert2Pdf.aspx?ID=4175&amp;T=9</a>



23	Kingston upon Thames Royal (London) Borough	<b>27 LibDem</b> , 21 Conservative (with broad agreement on the change).	<p>COMMITTEE SYSTEM: Decisions are made by 3 Strategic (People, Place&amp;Sustainability, Policy&amp;Resources), 4 Neighbourhood and 2 Regulatory Committees, with a Scrutiny Panel, Standards Committee, and Health Overview Panel. The Scrutiny Panel will deal with any decisions called in by the community - ie. 100 people who live, work or study in the Borough. The Scrutiny Panel cannot change decisions, but reviews the evidence on which decisions have been made and any additional considerations. Decisions may be referred back to Committee to reconsider taking into account the Panel's views. Portfolio holders remain but no cabinet. (Derek Osbourne (Lib Dem) explains: "To all intents and purposes we have restored committees, but the roles of portfolio holders are now much wider than those of chairs in the old pre-2000 system." "There will be health scrutiny and we have a scrutiny committee that can be convened if 100 members of the public petition it to be, which is useful for things where parties agree but there is controversy.")</p> <p>(<a href="http://www.lgcplus.com/briefings/corporate-core/governance/committee-system-could-now-be-outdated-councils-warned/5043884.article">http://www.lgcplus.com/briefings/corporate-core/governance/committee-system-could-now-be-outdated-councils-warned/5043884.article</a>) <i>Description on website:</i> <a href="http://www.kingston.gov.uk/information/your_council/council_and_democracy/council_and_decision_making.htm">http://www.kingston.gov.uk/information/your_council/council_and_democracy/council_and_decision_making.htm</a>.</p>	<p>April 2011: Council changed to new system retaining old system for legal reasons. Council decided to change system officially on 17th April 2012. Decision formalised 9th May 2012. Minutes including links to relevant reports: <a href="http://www.kingston.gov.uk/council_and_democracy/committeeminutes/moderngov.htm?mgl=ieListDocuments.aspx&amp;CId=137&amp;MID=6445#A119317">http://www.kingston.gov.uk/council_and_democracy/committeeminutes/moderngov.htm?mgl=ieListDocuments.aspx&amp;CId=137&amp;MID=6445#A119317</a></p>
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Appendix A – Initial Desktop Research

Nottinghamshire	County	<b>35 Conservative</b> , 15 Labour, 9 LibDem, 4 Mansfield Independent Forum, 1 Independent, 1 Selston Independents, 1 UKIP, 1 vacancy.		COMMITTEE SYSTEM: Policy Committee and 'policy area' committees (e.g. Children and Young People's Committee, Finance and Property Committee). Also 2 scrutiny committees which focus on health issues. List of committees is at <a href="http://www.nottinghamshire.gov.uk/dms/Committees.aspx">http://www.nottinghamshire.gov.uk/dms/Committees.aspx</a> . Nottinghamshire CC leader Kay Cutts (Con) said there would be two area committees to scrutinise hospitals, while the health and wellbeing board would oversee other health aspects. Crime and disorder would be scrutinised by the policy committee, on which all committee chairs would sit. "If a committee makes a decision it will expect a report on implementation six months later and will scrutinise progress," Cllr Cutts said.	Approved at full Council meeting on 17th May 2012. Minutes and links to relevant reports: <a href="http://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/93/Committee/2/Default.aspx">http://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/93/Committee/2/Default.aspx</a> . (An early version of the report from March is at <a href="http://itsacr02a.nottscc.gov.uk/apps/ce/memman/memman.nsf/AB0438F3D90C221980257871004A2697/\$file/11_Change%20to%20Governance%20Arrangements%20Report.pdf">http://itsacr02a.nottscc.gov.uk/apps/ce/memman/memman.nsf/AB0438F3D90C221980257871004A2697/\$file/11_Change%20to%20Governance%20Arrangements%20Report.pdf</a> ; there will have been an earlier version in January )
Brighton and Hove	City	<b>23 Green</b> , 18 Conservative, 13 Labour&Coop		COMMITTEE SYSTEM. The basic change to the structure of council meetings is that Cabinet Member Meetings have become committees. As a result, Cabinet Members now serve as Chair to the relevant committee. The Council plans a health and wellbeing scrutiny committee and a general scrutiny committee convened as needed.	Motion was made by the Labour&Coop group in May 2011 following agreement under the previous Council that it wished to return to the Committee system. Council agenda: <a href="http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&amp;MId=3925&amp;Ver=4">http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&amp;MId=3925&amp;Ver=4</a> Earlier report to Cabinet: <a href="http://present.brighton-hove.gov.uk/mgConvert2PDF.aspx?ID=36375">http://present.brighton-hove.gov.uk/mgConvert2PDF.aspx?ID=36375</a> . Diagram: <a href="http://present.brighton-hove.gov.uk/Published/C00000117/M00003925/AI00026052/%24Item32Appendix4.ppt.pdf">http://present.brighton-hove.gov.uk/Published/C00000117/M00003925/AI00026052/%24Item32Appendix4.ppt.pdf</a>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">25</p> <p>South Gloucestershire</p>	<p>County</p>	<p><b>The Conservatives have 34 councillors</b> at South Gloucestershire, but Labour and the Liberal Democrats have 36.</p>	<p>LEADER AND CABINET</p>	<p>COMMITTEE SYSTEM: The majority of council decisions will be taken by 10 committees, made up of elected members drawn from all parties according to the makeup of the Council, with a Chair elected for each committee. Committees will have full authority to make decisions relating to their portfolio areas, while full Council will remain the main forum for determining major policy issues including setting the annual budget and council tax. Council will also make appointments to various bodies. The majority of committees will meet on an eight-week cycle, with some sub-committees meeting between the main committee dates. Also appointed a Constitutional Leader, a new role with responsibility for representing the council on the Local Enterprise Partnership and other national, sub-regional and local forums. This role replaces the previous Executive Leader post. (From various news releases)</p>	<p>Majority decision at Council on 21/3/2012 - see <a href="http://council.southglos.gov.uk/ieListDocuments.aspx?CId=143&amp;Mid=5056&amp;Ver=4">http://council.southglos.gov.uk/ieListDocuments.aspx?CId=143&amp;Mid=5056&amp;Ver=4</a>. To be introduced from Council's annual meeting 23/5/12 where appointments to committees were discussed - see <a href="http://council.southglos.gov.uk/ieListDocuments.aspx?CId=143&amp;Mid=5057&amp;Ver=4">http://council.southglos.gov.uk/ieListDocuments.aspx?CId=143&amp;Mid=5057&amp;Ver=4</a>.</p>
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<b>COUNCILS WHICH MADE OR CONSIDERED MAKING SOME CHANGES THIS YEAR FOLLOWING LOCALISM ACT</b>					
<b>Council</b>	<b>Tier</b>	<b>Political Control</b>	<b>Old System</b>	<b>New System (Summary)</b>	<b>Supporting Documentation</b>

27	Tunbridge Wells Borough	<p><b>37</b>  <b>Conservatives</b>, 5                  LibDems, 2                  Independents, 2                  Labour, 2 UKIP</p>	<p><b>3 Cabinet Advisory Boards</b> composed of non-executive members and Cabinet Members, open to the public, with remits agreed at the start of each year. The Cabinet Advisory Boards are not overview and scrutiny committees and will therefore not be able to consider call-ins or to establish task and finish groups. <b>The number of overview &amp; scrutiny committees has been reduced to one.</b> The role of the Overview &amp; Scrutiny Committee will be to operate a task &amp; finish model, to undertake focussed reviews to improve the borough and to consider any call-ins (although these should be reduced under this structure). <b>The following Cabinet Working groups will be removed:</b> Members' Learning &amp; Development Group, Tunbridge Wells Transport Forum, Public Health &amp; Wellbeing Members' Working Group and Children &amp; Young People Members' Working Group.</p>	<p><a href="http://democracy.tunbridgewells.gov.uk/ieListDocuments.aspx?CId=134&amp;MId=1506&amp;Ver=4">http://democracy.tunbridgewells.gov.uk/ieListDocuments.aspx?CId=134&amp;MId=1506&amp;Ver=4</a> Reports pack p19 onwards</p>
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Kent	County	Conservative		Hybrid model involving Cabinet Committees but also Leader and Cabinet	First debate Oct 2011 in <a href="https://democracy.kent.gov.uk/mgChooseDocPack.aspx?ID=3485">https://democracy.kent.gov.uk/mgChooseDocPack.aspx?ID=3485</a> reports pack p27 onwards, then agreed Dec 2011 <a href="https://democracy.kent.gov.uk/ieListDocuments.aspx?Cid=113&amp;Mid=3486&amp;Ver=4">https://democracy.kent.gov.uk/ieListDocuments.aspx?Cid=113&amp;Mid=3486&amp;Ver=4</a> ; further details refined at <a href="https://democracy.kent.gov.uk/ieListDocuments.aspx?Cid=113&amp;Mid=3904&amp;Ver=4">https://democracy.kent.gov.uk/ieListDocuments.aspx?Cid=113&amp;Mid=3904&amp;Ver=4</a> ;
Cornwall 28	County	<b>47 Conservative</b> , 38 LibDem, 30 Independent, 5 Mebyon Kernow, 1 Labour, 1 Independent, 1 Vacant	Cabinet system via the strong leader model	Under debate; still seems to be at consultation and visiting stage and debating how to go about the review	Governance Review Panel has been set up to investigate options. Meetings of this review panel are documented at <a href="https://democracy.cornwall.gov.uk/ieListMeetings.aspx?Committeed=890">https://democracy.cornwall.gov.uk/ieListMeetings.aspx?Committeed=890</a> . <i>For discussions following on from this at full council See <a href="https://democracy.cornwall.gov.uk/mgChooseDocPack.aspx?ID=4402">https://democracy.cornwall.gov.uk/mgChooseDocPack.aspx?ID=4402</a> pp85-90; <a href="https://democracy.cornwall.gov.uk/mgChooseDocPack.aspx?ID=4030">https://democracy.cornwall.gov.uk/mgChooseDocPack.aspx?ID=4030</a> pp.30-34 and also earlier meetings - This seems to be mainly copies of the other meetings but some members comments too?</i>

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<p>Newark and Sherwood</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">29</p>	<p>District</p>	<p><b>22 Conservative,</b>          15 Labour, 4          Independents, 3          LibDems, 2          Newark and          Sherwood          Independents</p>		<p>In Annual Council meeting on 8/3/2012 it was decided to move to the Committee system of governance in May 2013. The Councillors' Commission is currently working on detailed arrangements and the delay allows for consultation. On the same date there was a motion that 'Liberal Democrats call upon all parties to discuss the possibility of the use of some hybrid system which will allow the input of minority party view into decision making without the possible worst effects of absolute proportionality.'</p>	<p><a href="http://www.newark-sherwooddc.gov.uk/agendas/annualcouncil150512/p18">http://www.newark-sherwooddc.gov.uk/agendas/annualcouncil150512/p18</a>.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">30</p>	<p>Solihull Metropolitan Borough</p>	<p><b>28</b>  <b>Conservatives</b>, 6          Greens, 10          LibDems, 1          IRRA,          6 Labour</p>		<p>Article from Feb 2012 says Leader Ken Meeson (Con) expects to reopen the debate later this year. He said the council had looked at a hybrid model where portfolio holders would chair a committee the decisions of which they would sign off. However, that model “met objections that the committee would not really be taking the decision,” he explained. “The problem is speed of decision [of cabinets] against wider involvement of councillors. (<a href="http://www.lgcplus.com/briefings/corporate-core/governance/small-but-significant-shift-to-committees/5040639.article">http://www.lgcplus.com/briefings/corporate-core/governance/small-but-significant-shift-to-committees/5040639.article</a>) No Council or Governance Committee minutes deal with this issue since this article was published.</p>	
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<p>Cheshire East</p> <p style="text-align: center;">31</p>		<p><b>44 Conservative,</b>          14 Labour, 4 LibDem, 3 Middlewich First, 2 Handforth Ratepayers, 4 Independent, 1 Shavington First</p>		<p>Corporate Scrutiny Committee Constitution Committee report recommended in Jan 2012 that the Corporate Scrutiny Committee and Constitution Committee set up a Joint Member Working Group on a 5:1:1 basis with a view to investigating in detail all available options to review governance arrangements under the Localism Act 2011. At Council meeting on 16th May 2012 it was decided that: (1) with effect from the end of a shadow period of operation, which shall end no earlier than September 2012, the existing Overview and Scrutiny Committees will be dissolved and be replaced with two Overview and Scrutiny Committees with the names and provisional terms of reference set out in Appendix 1 of the report;(2) with immediate effect Council establishes, initially in shadow form, up to nine Policy Groups, aligned with the Cabinet, with the provisional terms of reference set out in Appendix 2 of the report;</p>	<p><a href="http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000239/M00003671/AI00015183/\$08GovernanceArrangementsreportfinal.doc.pdf">http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000239/M00003671/AI00015183/\$08GovernanceArrangementsreportfinal.doc.pdf</a>;  </p>
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East Cambridg eshire			committee structure	reorganisation of committees in Feb 2011	<a href="http://www.eastcambs.gov.uk/press/new-committee-structures-improve-council-performance;">http://www.eastcambs.gov.uk/press/new-committee-structures-improve-council-performance;</a>
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Darlington				<p>Report on the Localism Act brought to Council in 10th May 2012 recommended that the option to move to a Committee system is brought to members' attention for consideration. Looked at changes necessary in order to implement Committee system. The earliest that the system could be implemented is therefore 2013.</p>	<p><a href="http://www.darlington.gov.uk/PublicMinutes/Council/May%2010%202012/Item%207b.pdf">http://www.darlington.gov.uk/PublicMinutes/Council/May%2010%202012/Item%207b.pdf</a>; for report follow link from <a href="http://www.darlington.gov.uk/democracy/democracy/democraticinvolvement/political+management/Meeting.htm?id=1440">http://www.darlington.gov.uk/democracy/democracy/democraticinvolvement/political+management/Meeting.htm?id=1440</a></p>
Ribble Valley	CS		<p>Previously had 'alternative arrangements'. The Council's Overview and Scrutiny Committee had 14 Members and meets five times a year.</p>	<p>27March 2012 report to the Policy&amp;Finance Committee said Council had option to continue with present O&amp;S arrangements, transfer O&amp;S responsibilities to another Committee, cease to perform such functions, or adopt a model such as Leader and Cabinet or Mayor and Cabinet. A sub-group of four members was appointed to make recommendations. Council said it was committed to retaining the existing Committee System.</p>	<p><a href="http://www.ribblevalley.gov.uk/egov_downloads/Changes_to_Governance_Arrangements.pdf">http://www.ribblevalley.gov.uk/egov_downloads/Changes_to_Governance_Arrangements.pdf</a></p>
Kensington and Chelsea		Conservative		<p>There was suggestion by CFPS that council were looking at Committee System. However cannot find further references to this and council minutes on website are corrupt</p>	

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Barnet		Conservative	Still has Leader, Cabinet, O&S	There was suggestion by CFPS that council were looking at Committee System. No relevant items in Council or Constitution committee meeting minutes from Oct 2011 to date.	
Wandsworth		<b>47 Conservative,</b> 13 Labour	An updated Leader and Cabinet system following a consultation in 2009: <a href="http://www.wandsworth.gov.uk/info/10058/decision_making/597/executive_arrangements_consultation">http://www.wandsworth.gov.uk/info/10058/decision_making/597/executive_arrangements_consultation</a> ; <a href="http://ww3.wandsworth.gov.uk/moderngov/ieListDocuments.aspx?CId=296&amp;MId=3361&amp;Ver=4">http://ww3.wandsworth.gov.uk/moderngov/ieListDocuments.aspx?CId=296&amp;MId=3361&amp;Ver=4</a>	There was suggestion by CFPS that council were looking at Committee System. Nothing immediately apparent.	
Hertfordshire				There was suggestion by CFPS that council were looking at Committee System. Nothing immediately apparent.	

<b>COUNCILS WHICH CHANGED THEIR STRUCTURES PRIOR TO LOCALISM ACT (OFTEN RESULT OF HEALTH ACT 2007)</b>					
<b>Council</b>	<b>Tier</b>	<b>Political Control</b>	<b>Old System</b>	<b>New System (Summary)</b>	<b>Supporting Documentation</b>
Huntingdonshire 35				Changed in Nov 2010 to executive leader and cabinet executive to comply with Local Govt and Public Involvement in Health Act 2007.	<a href="http://www.huntingdonshire.gov.uk/SiteCollectionDocuments/HDCCMS/Documents/Democratic%20Services%20documents/Change%20in%20Governance%20Arrangements%20-%20May%202011%20(2)1.pdf">http://www.huntingdonshire.gov.uk/SiteCollectionDocuments/HDCCMS/Documents/Democratic%20Services%20documents/Change%20in%20Governance%20Arrangements%20-%20May%202011%20(2)1.pdf</a>
Stratford on Avon	District		committee structure with a cabinet and O&S	Changed to a revised committee structure in May 2010 - number of O&S committees reduced from 1 to 2. Cabinet retained. Also some changes to the advisory/working groups for the cabinet and some general committees.	<a href="https://secure.maidstone.gov.uk/,DanaInfo=democracy.stratford.gov.uk+mgAi.aspx?ID=10392">https://secure.maidstone.gov.uk/,DanaInfo=democracy.stratford.gov.uk+mgAi.aspx?ID=10392</a>
Northampton	Borough	Conservative		Following a consultation in November 2010, a report was presented to council in December 2010. Council was asked to resolve to operate either the Leader and Cabinet (England) Executive model or the Directly Elected Mayor and Cabinet model from May 2011. It was resolved that the Leader and Cabinet Executive (England) model be adopted. This was based on the requirements under Health, not the	<a href="http://www.northamptonboroughcouncil.com/councilors/ieListDocuments.aspx?CId=242&amp;MId=6515">http://www.northamptonboroughcouncil.com/councilors/ieListDocuments.aspx?CId=242&amp;MId=6515</a>

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				Localism Act. Cannot see any further Council minutes including this issue from Oct 2011 to date.	
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## Common Themes and Discussion Points:

Case Study	London Borough of Sutton	Nottinghamshire County Council	Ribble Valley	Brighton & Hove	Kingston Upon Thames
<b>Tier of Authority</b>	London Borough	County	District	City	London Borough
<b>Political Leadership</b>	Lib Dem	Conservative	Conservative	Green	Lib Dem
<b>Catalyst for Changing Governance Structure</b>	Localism Act Improving Councillor involvement in decision making Constraints on Scrutiny after decisions have been made	Localism Act Improving Councillor involvement in decision making Greater transparency over the decision making process	Localism Act prompted a 'review' but no changes were made	Localism Act Greater Councillor participation Greater challenge & debate over decision making	Improving Councillor involvement in decision making Improving openness and collective accountability
<b>Governance Structure Adopted</b>	Hybrid – Leader with Service Committees	Hybrid – Policy Committee (Chairman as 'leader') Band A Committees – to cover cabinet portfolio Band B Committees – Regulatory  (Proposed - Jan 2012)	'Streamlined' Committee Structure (4 <sup>th</sup> Option) Reduction in OSC	Modern Committee System	Modern Committee System
<b>Process / Framework</b>	Governance Working Group brief: a) Good governance principles b) Inclusive Cllr involvement c) Politically proportionality d) Enhance Community Leadership e) Cost neutral f) Reduce number of meetings	Working Group led by the Leader of the Council.	Review of governance has been conducted by a Member Sub-Group reported to the main Policy and Finance Committee.  Recent review considered: <ul style="list-style-type: none"> <li>• Format of Committee meetings</li> <li>• Number of Committees</li> <li>• Frequency of meetings</li> <li>• Starting times of meetings</li> </ul>	Officer working group with nominated Members.	Constitutional Review Working Group.  Key risks identified to avoid: <ul style="list-style-type: none"> <li>• Ensure that strategic Community wide considerations take precedence over operational issues</li> <li>• Focus must be outwards and compliment the Community</li> <li>• Proposed structure must be cost neutral and no hinder the decision making process</li> </ul>
<b>Noted / Proposed Advantages</b>	<ul style="list-style-type: none"> <li>• Increased Councillor involvement in decision making</li> </ul>	<ul style="list-style-type: none"> <li>• Increased Councillor involvement in policy and decision making</li> </ul>	Recent review was conducted to improve public interest in Committee	Greater participation in decisions making by Members.	<ul style="list-style-type: none"> <li>• Improving openness and public engagement in Council decision making</li> </ul>

Appendix B– Case Studies

	<ul style="list-style-type: none"> <li>Flexibility for party membership on Committees</li> <li>Fluidity if membership of the Council changes</li> </ul>	<ul style="list-style-type: none"> <li>Greater transparency with debates held in public</li> </ul>	meetings.	More likely to secure different perspectives and greater / more robust debate.	<ul style="list-style-type: none"> <li>Enable innovation in decision making</li> <li>Improve integrity of decision making through greater debate and scrutiny</li> <li>Create collective accountability</li> </ul>
<b>Noted / Potential Disadvantages</b>	None disclosed	<ul style="list-style-type: none"> <li>Increased meetings</li> <li>Increased Member workload</li> <li>Greater community expectation</li> <li>Balance of Members community role and scrutiny in a committee environment</li> </ul>	None disclosed	<ul style="list-style-type: none"> <li>Increased democratic support (2 x Officers)</li> <li>Increased number of meetings</li> <li>Printing costs likely to increase</li> <li>Estimated £90k cost implication – which could be offset by streamlining OSC.</li> </ul>	<p>Possible resource implications – but would assume the same number of meetings.</p> <p>Small increase in printing costs.</p> <p>Potential increase costs associated with member allowances.</p>
<b>Other' Considerations</b>	<ul style="list-style-type: none"> <li>Members training</li> <li>Updated Members allowances</li> <li>Update to Constitution</li> <li>Consultation with public (Localism)</li> </ul>	<ul style="list-style-type: none"> <li>Sought comments from partners</li> <li>Agreed responsibilities of each Committee</li> <li>Constitution updates</li> </ul>	None disclosed	<p>Officer and member time needed to prepare and implement the new system.</p> <p>Review of members allowances scheme</p>	Could be a potential impact to officers time being called to attend Committee meetings, but difficult to quantify.

**Summary:**

1. The key factor for change was to improve Member involvement and participation in Council decision making;
2. Member and Officer working groups led the review – reported to the main committee or full council;
3. A key advantage identified from adopting a Committee style of governance was greater transparency and integrity of decision making through greater challenge and debate in public;
4. A key disadvantage was that of resource, including increased Officer time, increased number of meetings, and potential increase in costs from allowances and printing;
5. Additional considerations include implementation and design of the structure, constitutional considerations, members training and consultation with partners and the public;



**London Borough of Sutton**

**Political Leadership:** Lib Dem

1. What governance structure did they start with:

Leader and Cabinet Model:  
Executive Committee  
4 Scrutiny committees

2. When did they review their governance arrangements:

Core proposals involved:

- a. replacing the current Executive system of Governance with five service committees
- b. replacing the current scrutiny arrangements with a single Scrutiny Committee whose role is limited to those scrutiny functions required in law
- c. developing new Standards arrangements to reflect the requirements of the Localism Act, and
- d. Discontinuing Advisory Groups

With effect from its annual meeting in May 2012 the Council dissolves the existing Executive and introduces a committee system of governance

3. Why did they review the arrangements – what was the catalyst:

The Localism Bill and changes to external operating environment – provides the opportunity to have a fresh look at governance arrangements.

Designed to:

- a. To involve more Councillors in decisions making processes without compromising efficiency and transparency
- b. Enhance governance arrangements
- c. Reinforce the community leadership role of Councillors

4. What governance model have they adopted:

5 main Committees  
4 Regulatory Committees  
A single scrutiny Committee with a focus on statutory scrutiny responsibilities  
6 local committees

Main committees consisting of 15-10 members (3 subs), meeting 6-8 week (5 times a year)  
Allocation of seats to reflect the political proportionality of the Council (example 8 LD and 2 Con)  
Committees have freedom to establish their own working groups

5. What process / framework did they follow (Officer / Member led):

To assist in robust evaluation of pros and cons of any proposals key design criteria were identified that proposals must achieve

- a. Meet principles of good governance within framework of the law
- b. Seek to offer more inclusive arrangements for Councillors to be involved in decision making
- c. Allow for relevant committees to be politically proportionate in membership
- d. Enhance community leadership role of councillors
- e. Not increase the total costs of democracy
- f. Seek to reduce the overall number of meetings

Proposals originally set out in October 2011 to Community Leadership Advisory Group  
Governance Working Group November & December 2011  
December 2011 report recommendations to Community Leadership Advisory Group  
January 2012 report to CLAG to agree follow-up proposals and look at constitutional review proposals  
January 2012 report to Standards Committee

March 2012 final report to CLAG  
March 2012 report to Executive  
April 2012 report to Council for decision

6. What are the advantages / disadvantages to the model:

Strengths of current:

Good practice models of governance – including timeliness of decision making, and checks and balances from scrutiny.

Weaknesses:

Decision making concentrated to smaller number of councillors and constraints on scrutiny after decisions have been made rather than before.

Adv of new:

Provides for a larger number of Councillors to be involved in the decision making process

Flexibility to allow each party group to put forward membership, and fluidity if membership of Council changes.

7. What other considerations did they take into account:

Training for Members and Officers to allow them to become familiar with the new system

New scheme of Members allowances

Proposed changes to the Constitution

Considered that no additional costs should arise

Consultation period with the public (as per Localism requirements)

8. How did they implement the changes / embed the arrangements:

No further information obtained.

9. Is this example suitable to arrange a visit / interview / request further information?

**Nottinghamshire County Council**

**Political Leadership:** Conservative

1. What governance structure did they start with:

Leader / Cabinet Executive

2. When did they review their governance arrangements:

Report to the Council to consider whether further work should be undertaken to plan how a Committee system could operate – January 2012.

Proposals then submitted to Council to vote to adopt the committee system in March 2012.

Decision to adopt the committee system made in May 2012.

3. Why did they review the arrangements – what was the catalyst:

The Localism Act – allowing power to be exercised at the lowest practical level, close to people who are affected by the decisions.

4. What governance model have they adopted:

Committee system – made up of councillors from all parties to reflect the political balance of the authority.

Policy Committee

Band A Committees – primarily replace the current cabinet portfolios

Band B Committees - include existing regulatory committees as well as new ones

Chairman of Policy Committee will be the Leader of the Council and vice-chair will be the deputy leader.

New Committee's will themselves be responsible for scrutinising the Council's policies and decisions and therefore the existing O&S arrangements were disestablished.

5. What process / framework did they follow (Officer / Member led):

January 2012 – Inform Council about provisions to change governance arrangements, and to seek approval to develop proposals

Leader led / reported

Independent Remuneration Panel review – reduction of special responsibility allowances by some £24,000.

No published framework for the proposals.

6. What are the advantages / disadvantages to the model:

Reasons for recommendations:

A Committee system is the most democratic and transparent form of governance.

It allows all 67 democratically elected Councillors to participate in the decision-making and policy shaping of the Council.

Greater transparency – reports are made available to public prior to decision making, and all meetings are held in public – decisions are not made behind closed doors.

Possible disadvantages:

Members may be faced with attending more meetings, and facing increased workload as well as greater expectation.

Members will need to adapt to balance their role in the local community with their responsibility to develop and scrutinise policy and performance through membership of committees.

7. What other considerations did they take into account:

Sought comments and considerations from partners  
Diagrammatic structure  
Outline the responsibilities of each Committee  
Changes to the constitution

8. How did they implement the changes / embed the arrangements:

Seemed to be a very swift process, once the decision was agreed to adopt, then they were almost immediately put in place.

9. Is this example suitable to arrange a visit / interview / request further information?

As this example seems to have been achieved so promptly, it could be a good case to look at in more detail.

**Ribble Valley**

**Tier of Authority:** District ('fourth option' Council – population of 58,000)  
**Political Leadership:** Conservative

1. What governance structure did they start with:

Ribble Valley is a fourth option Council – They run a 'streamlined Committee System' consisting of 9 Committees, supported by a budget working group and a Parish Council Liaison Committee.

2. When did they review their governance arrangements:

The streamlined system was adopted in March 2012 – following public consultation (which I cannot find online?).

In April 2011 the Leader made a statement to say that there were no plans to replace the Committee System.

The Council update their Scrutiny arrangements in 2008.

Prior to this the Council conducted a review and refresh of Committees in 2007.

3. Why did they review the arrangements – what was the catalyst:

There have been various suggestions and 'reviews' of the governance structure. Most recently in March 2012 - the Council appointed a member working group (4 members) as a result of the Localism Act 2011.

The working group was asked to consider:

1. The options over the Council's current O&S Committee arrangements; and
2. To confirm the commitment for the current Executive Governance model.

The Group should have reported to Council on 24<sup>th</sup> April 2012 – Online records show no formal reporting of this group yet?

4. What governance model have they adopted:

On 26<sup>th</sup> April 2011 the Leader and Leader of the opposition announced there were no plans to replace the current committee system.

In the Annual report March 2012 they state that they have adopted 'streamlined committee system'. It is unclear how exactly the public consultation was reported and what the options were, there is limited information on the Ribble Valley website.

5. What process / framework did they follow (Officer / Member led):

As a fourth option Council they have maintained their Committee structure.

6. What are the advantages / disadvantages to the model:

What they have in place has been refined and embedded since the requirements to change in the LGA 2000. Given the limited information, and absence of any expressed dissatisfaction from residents it would appear that the system works well for Ribble Valley.

Interesting points raised during the 2007 review of Committee report highlighted a real lack of public interest and participation at Committee meetings. It acknowledged that it can be difficult to make Council meetings more interesting. An additional element they considered was the times of meetings, acknowledging that they are often in the late evening, rather than during the day. A working group considered:

1. Format of meetings
2. Number of Committees
3. Frequency of meetings
4. Starting times of meetings

These elements could be worth considering in the MBC current review?

7. What other considerations did they take into account:

Initially they found it difficult to operate O&S and there was no real guidance for fourth option Councils. In 2008 they streamlined their O&S Committees from 2 to 1. Originally the 2 Committees were split, one to focus on policy and the other to look at service matters.

The single committee have 4 key areas of work (community leadership, priorities, performance & partnerships). In order for O&S Committee to add value, they are encouraged to select topics that are not already being dealt with by another Committee to avoid duplication.

8. How did they implement the changes / embed the arrangements:

Any consideration for changes in recent years have been led by a Members sub-group and reported to the Policy and Finance Committee – referred to Council.

9. Is this example suitable to arrange a visit / interview / request further information?

## Brighton &amp; Hove

**Tier of Authority:** City Council  
**Political Leadership:** Green

## 1. What governance structure did they start with:

In 2001 the Council held a referendum to move to a mayor and cabinet system. This was not supported and so alternative arrangements (improved committee system) were adopted.

7 executive committees  
 5 sub committees  
 Standards committee and O&S

In 2007 the committee system for decision making was removed, and in 2008 the Council adopted a leader and cabinet system.

## 2. When did they review their governance arrangements:

Notice of Motion supporting the return to Committee system was agreed in July 2010.  
 The Localism Act in November 2011 allowed the Council to do this.

Report to agree in principle to change the governance arrangements in December 2011 with effect from the annual Council meeting in May 2012.

## 3. Why did they review the arrangements – what was the catalyst:

Previously had Committee arrangements – Localism Bill enabled a decision to be made to return to the committee system.

## 4. What governance model have they adopted:

Policy Committees – 7 in total  
 Policy sub committees – 3 in total  
 Regulatory Committees – 7 in total  
 O&S Committees – 2 supported by 6 O&S panels

The Council opted to retain elements of their previous O&S arrangements to run alongside the new Committee system- but streamlined.

Standards Committee now forms part of Audit Committee.

## 5. What process / framework did they follow (Officer / Member led):

“The Council instructs Officers to prepare detailed proposals for a Committee system....including briefings, training and modifications to ways of working”.

Officer working group, working with nominated members – proposals taken to regular Lead Group meetings for progression - equivalent of 3 Officers to work on documentation and facilitation with members.

Jan 2012 – Governance Committee to consider the options until the Localism Act and agree outline principles  
 March 2012 – Governance Committee to agree arrangements and draft constitution to Council  
 April 2012 – Special Council – Resolution to move to committee system  
 April 2012 (after above) – Publication of proposals  
 May 2012 – Council AGM – Adoption of new constitution

## 6. What are the advantages / disadvantages to the model:

**Advantages:**  
 Committee system allows greater participation in decision making by Members of all political groups.

More likely to secure different perspectives and greater challenge and robust debate at decision making stage.

Potential disadvantage – identified impact:

Committee system would require increased democratic support of approximately 2 support offices

Increase number of meetings

(Above could be off set by changes to O&S)

Printing costs are likely to rise.

Estimated cost implications of £90k

7. What other considerations did they take into account:

Resources – costs of supporting a committee system are estimated higher than to support an executive system. Officer and Member time will be required to prepare for and implement the new system.

Timing – causing the Council to adopt something very similar to previous arrangements rather than reviewing all the options and without the support of guidance.

Preparing the organisation – The Council will need to review how it engages and supports its Members so that decisions can be made at cross-party committees.

IRP – to review members allowances.

8. How did they implement the changes / embed the arrangements:

The Officer and Member working party documented a work programme running from December 2011 – April 2012. This included preparation of detailed proposals.

(How they researched and confirmed the proposals is not published).

9. Is this example suitable to arrange a visit / interview / request further information?



## Kingston Upon Thames

**Tier of Authority:** London Borough  
**Political Leadership:** Liberal Democrat

## 1. What governance structure did they start with:

The Council adopted Executive style governance formally in 2002.

## 2. When did they review their governance arrangements:

Transitional arrangements implemented in April 2011, and formally adopted in April 2012.

## 3. Why did they review the arrangements – what was the catalyst:

Original motion adopted in October 2010 to call for a more democratic style of decision making, increasing involvement of Councillors.

The Executive style was considered to ill serve the democratic process. Power is concentrated in the hands of a relatively small number of Members and “backbench” Councillors are potentially excluded from the opportunity for wider participation in decision making. The opportunities for development of knowledge and expertise by Members are limited, and that as a result of the democratic deficit Council meetings have become largely pointless.

April 2011 the Council made transitional changes (as a result of the Localism Bill) to its governance arrangements through creation of 3 strategic committees. As the ‘powers’ were not in effect, a ratification process was needed for all decisions taken by the Strategic Committees – by maintaining Executive during the transitional stages.

As a result of the Localism Act, the Council passed the necessary resolution to formally change its governance arrangements for municipal year 2012/13.

## 4. What governance model have they adopted:

The Council has adopted a modern Committee system. Decisions are made within 3 politically proportionate strategic committees to involve all members of the Council in decision making:

1. People Services
2. Place & sustainability
3. Policy & Resources

Lead Members of Committees take the place of formal Executive Members, still placed under the Leader or the Council responsible for a range of services. Appointment made by the Council itself. Leader would serve on all 3 Committees.

Local decisions are made by 4 neighbourhood Committees (in place since 2002).

2 Regulatory Committees (development control and licensing) and a Standards Committee and Audit Committee are also in place.

A scrutiny panel deal with decisions called in by the Community – the role is to review the decisions, they cannot change decisions. Decisions can be referred back to Committee to reconsider. A Heath Overview Panel is also in place.

## 5. What process / framework did they follow (Officer / Member led):

Original motion adopted in October 2010 to call for a more democratic style of decision making, increasing involvement of Councillors. A Constitutional Review Working Group proposed the new arrangements.

In April 2011 report from the working group to the Council.

In May 2012 the reported and recommended the changes to the Councils Constitution. In addition the report also outlined the intention for the Council to retain the Scrutiny Panel, but with a reduction of membership from 16 to 9 for any ‘community call-ins’.

6. What are the advantages / disadvantages to the model:

After the first year of operation the new system was considered to have 'certainly met' its objective of bringing more Councillors into the formal decision making process. Opportunities outlined are:

1. Improving openness and allowing public to engage positively with Council decision making;
2. Enabling innovation through collective decision making;
3. Improving effectiveness and integrity of decision making through greater debate and scrutiny;
4. Creating collective accountability.

Identified risks to avoid:

1. Ensuring that strategic and Borough-wide consideration take precedence over operational interests
2. To ensure that the focus is outwards and compliments the Community and Borough-wide agenda;
3. That the structure is resource neutral and does not slow down decision making.

7. What other considerations did they take into account:

Resource implications – Resource assessment April 2011 indicates and assumes the same number of meetings (level of business). Increased strategic committee meetings offset by the reduction and abolishment of Scrutiny Panel, Overview Commission and related working parties.

There could be a small overall increase in the costs of the members allowance scheme (May 2012). This was originally proposed as a reduction (April 2011)

Need to publish the changes in accordance with section 9KC of the Localism Act 2011.

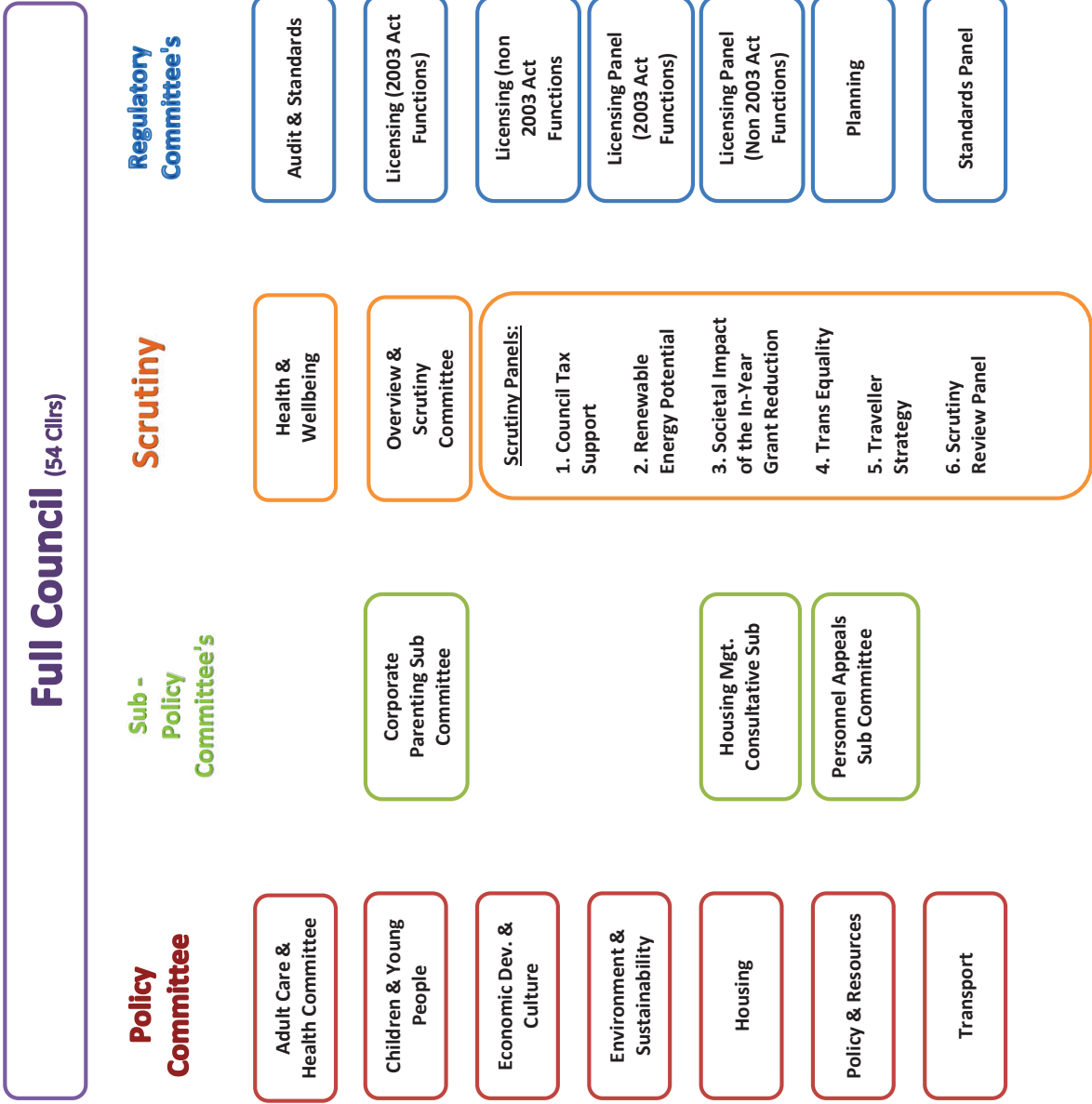
There could be a potential impact on Officers attending more meetings, or additional Officers attending meetings, but these are difficult to quantify.

There could be an increase in printing costs, yet no impact on accommodation costs for meetings.

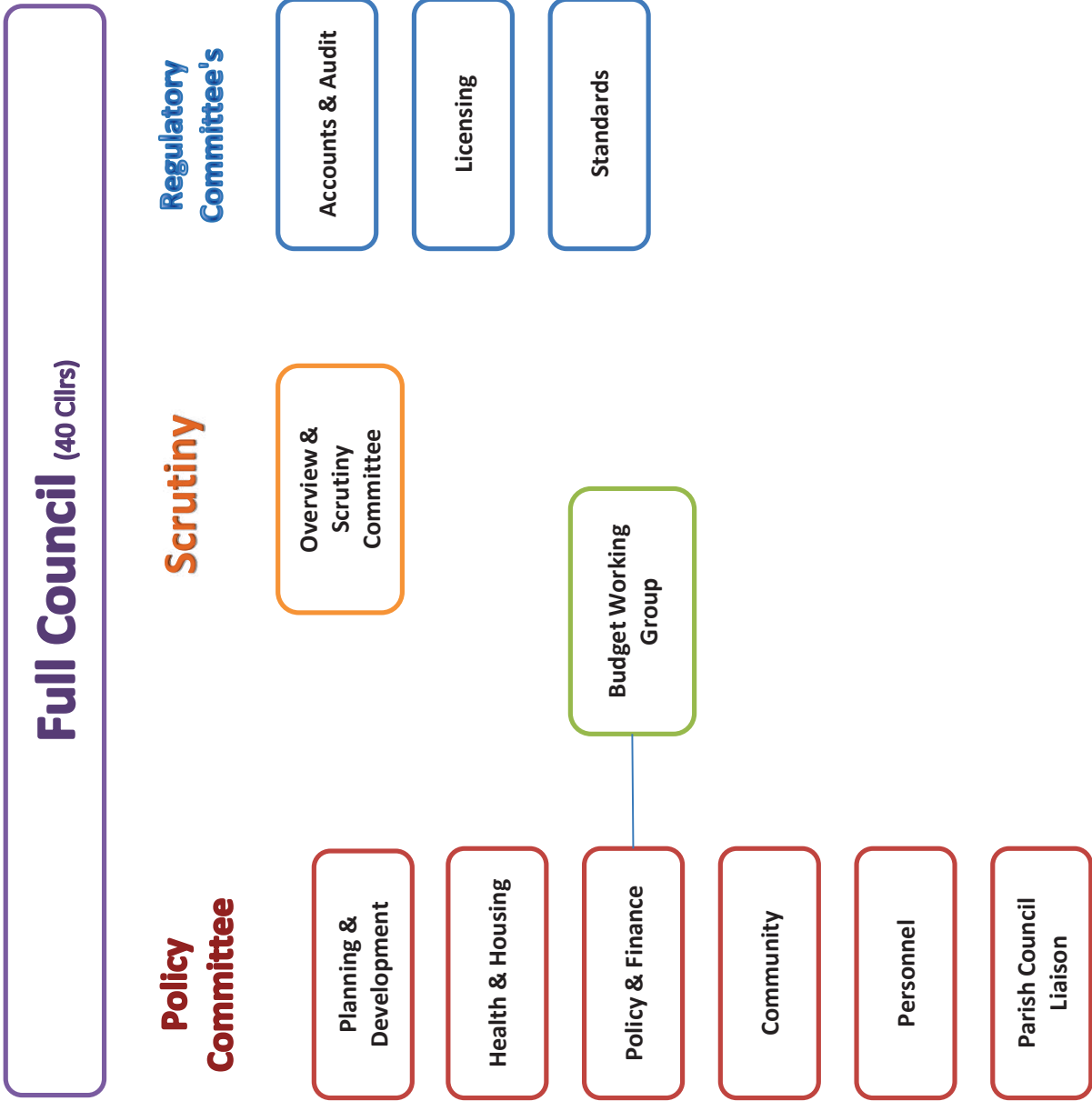
8. How did they implement the changes / embed the arrangements:

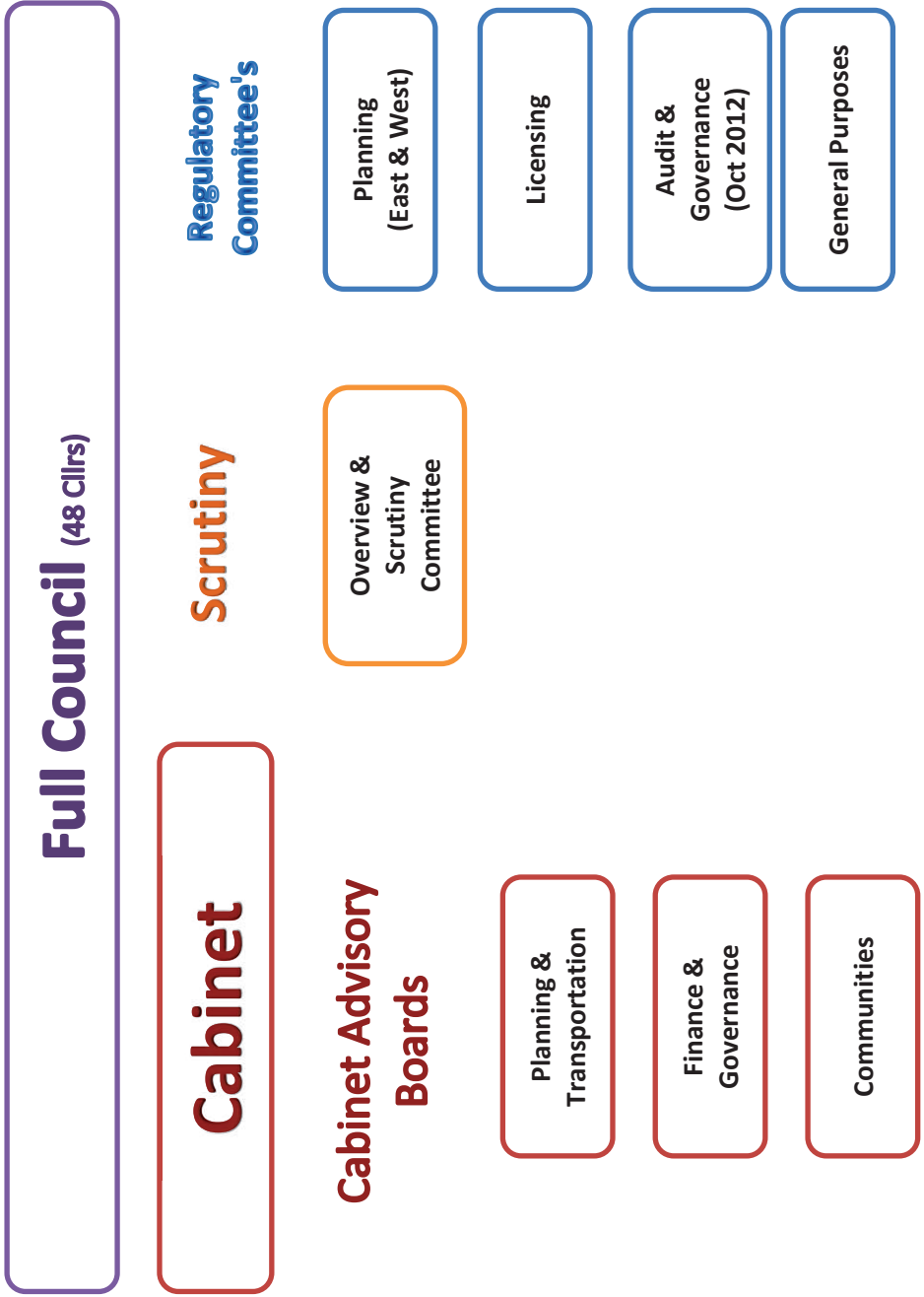
They introduced a transitional Committee System, running alongside the Executive for ratification, then implemented in full.

9. Is this example suitable to arrange a visit / interview / request further information?

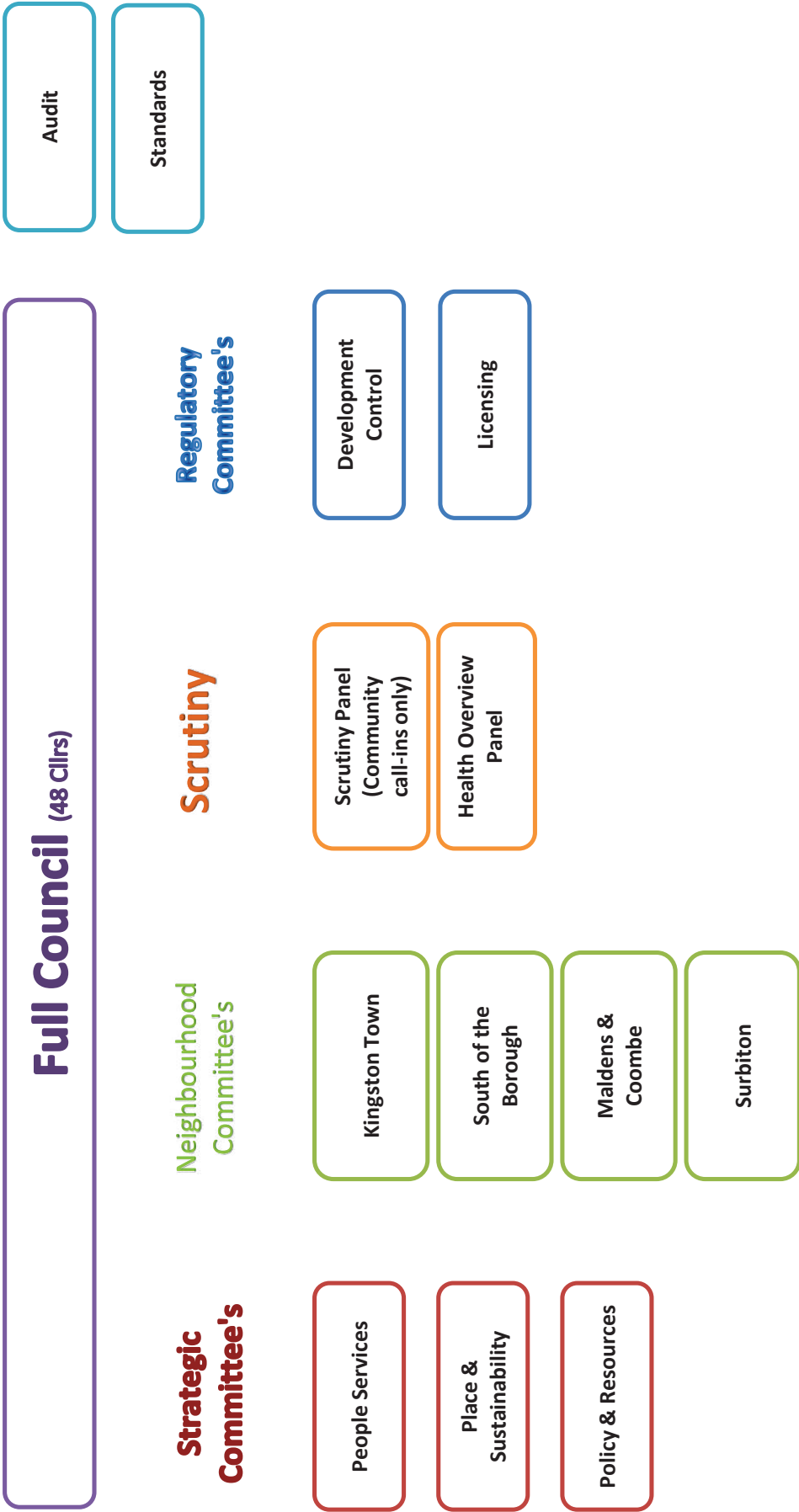


**RIBBLE VALLEY:**

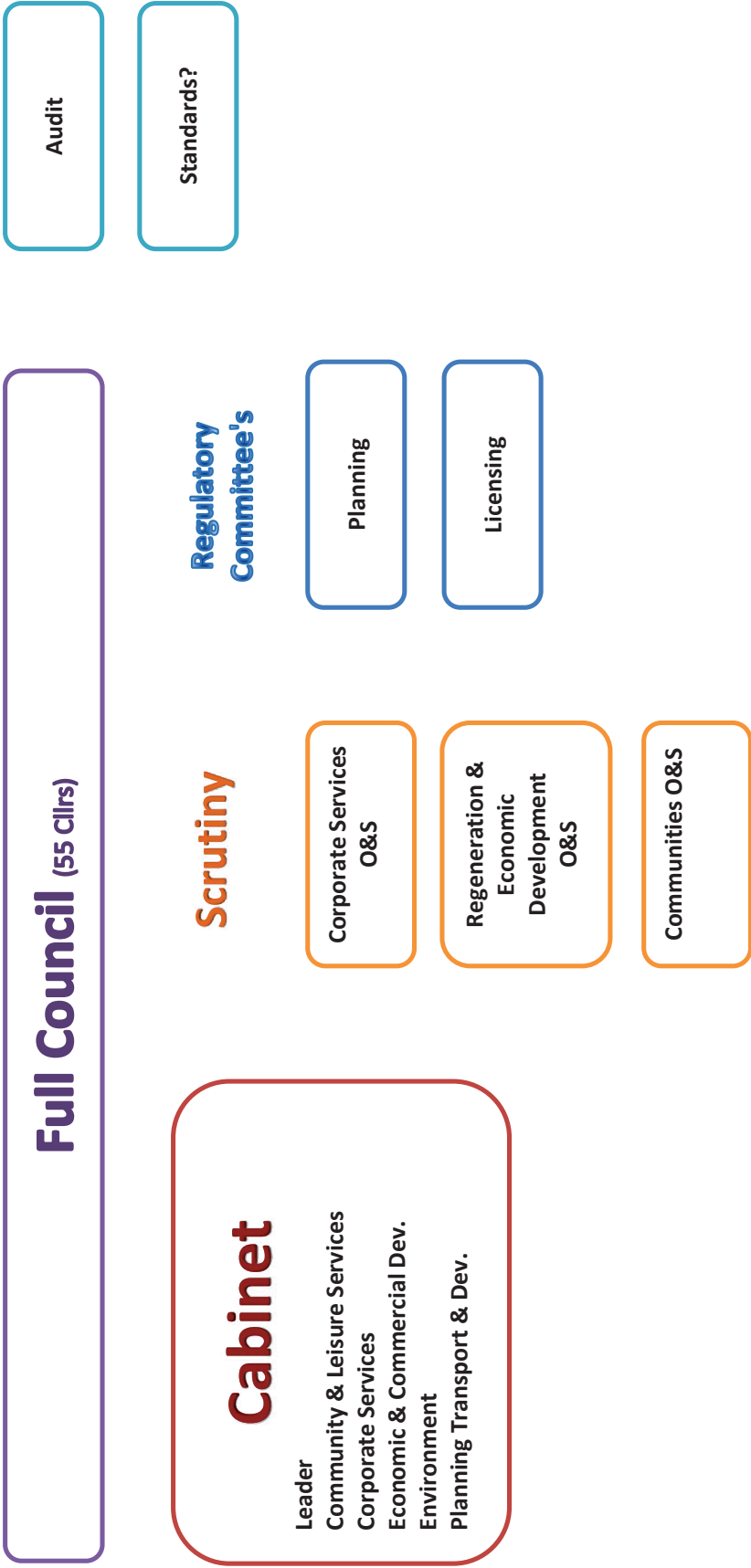




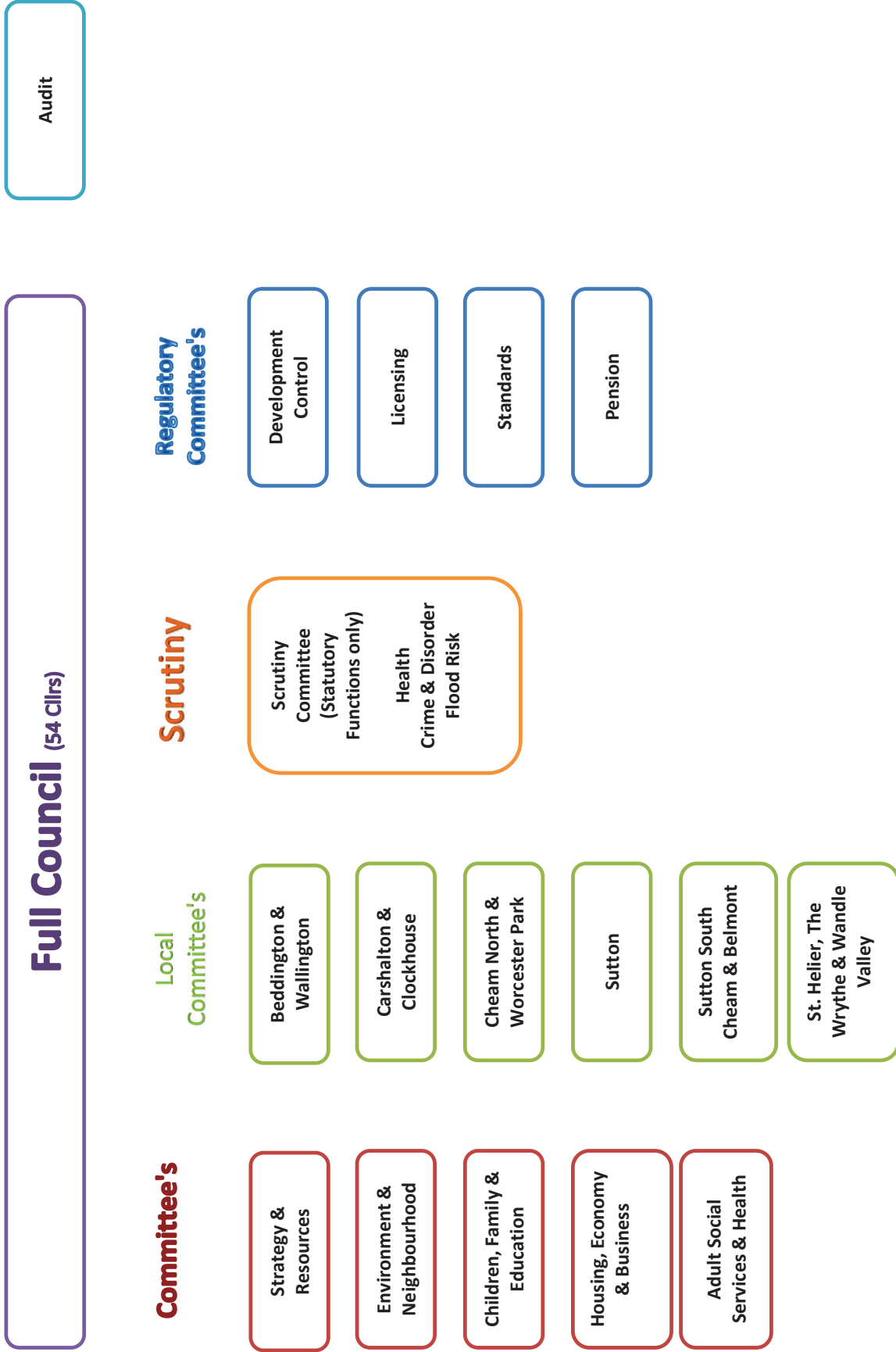
**KINGSTON UPON THAMES:**



**MAIDSTONE:**



**LONDON BOROUGH OF SUTTON:**





### Governance Working Group – Scrutiny Review

The attached table outlines the key points made by Members and Officers during interviews conducted by the governance working group. For the purposes of the review the key points have been summarised and tabulated to allow for objective evaluation to be conducted.

Interview	Summary	Improvements to Scrutiny
<b>Cabinet Members</b>  <span style="writing-mode: vertical-rl; transform: rotate(180deg);">55</span>	<ul style="list-style-type: none"> <li>• Pre-decision scrutiny is not being used effectively;</li> <li>• There is a natural defensiveness over call-in, members cannot impact decisions effectively with call-in;</li> <li>• Scrutiny has done it's job and is now stale, as a result there is a lack of interest in scrutiny;</li> <li>• The principles of scrutiny as a system of checks and balances is good, but it is not being used effectively;</li> <li>• The value of cross-party input is before the decision is made through pre-decision scrutiny, not once the decision has been made through call-in;</li> <li>• Members need to have a clearer understanding of the role of scrutiny in order to really use it effectively;</li> <li>• Scrutiny is being misused too often to score political points, and being overshadowed by political agenda;</li> </ul>	<ul style="list-style-type: none"> <li>• Effective pre-scrutiny can be used to better engage members</li> <li>• Programme of training to educate members on the role of scrutiny and the tools available for members to influence decisions</li> <li>• Members need to be proactive – it is up to members to add key decisions to the agenda not the Cabinet member;</li> <li>• Cross party collaboration between Cabinet and Scrutiny would provide better value to the decision makers - but is it for Cabinet to lead the scrutiny agenda?</li> <li>• Have one committee to scrutinise cabinet decisions and one committee to provide the overview;</li> <li>• Scrutiny is member driven should be proactive, rethink the format of meetings, bring back Officers and external people;</li> </ul>
<b>Members</b>	<ul style="list-style-type: none"> <li>• Too much focus on scrutiny and not enough overview;</li> <li>• Scrutiny chairman are not being held to account – they need to have a clear understanding of their role;</li> <li>• Pre-scrutiny meetings hold too much influence members are 'dragged' along and therefore challenge is difficult;</li> <li>• Scrutiny reports have not impact, as a result members feel as though they have not been involved or had any influence over decision</li> </ul>	<ul style="list-style-type: none"> <li>• There should be a more proactive and effective use of pre-decision scrutiny and should not be Cabinet led;</li> <li>• Chairmanship should not be the same as the administration;</li> <li>• Quality of chairmanship should be improved;</li> <li>• Better programmed training for new members to provide better induction and better continuous professional development;</li> <li>• There needs to be improved training over the role of scrutiny;</li> </ul>

<p><b>Senior Officers</b></p> <p>56</p>	<p>making;</p> <ul style="list-style-type: none"> <li>• Pre-decision scrutiny is the most effective way to influence decision making and it is not being used effectively;</li> <li>• Scrutiny is not having the right impact – decisions are not being influenced / changed;</li> </ul>	<ul style="list-style-type: none"> <li>• Improve the appetite for pre-decision scrutiny to allow the Committee to actually influence decisions – and choose the right decisions;</li> <li>• Reduce to one scrutiny committee – with support from individual working groups – to allow adequate overview and scrutiny;</li> <li>• Re-consider the format of meetings, and adopt more innovate and flexible Officer reports and interviews;</li> <li>• Reduce scrutiny from 3 committees to one;</li> <li>• Improve collaboration between Cabinet and scrutiny</li> <li>• Improve the accountability of scrutiny recommendations and implement a system to capture and recommendations and report on the actions taken;</li> <li>• Improve the understanding and quality of the chairmanship;</li> <li>• Members should be proactive to be involved in decision before they are made;</li> </ul>
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**Areas for Discussion:**

1. Rethink the structure of the current scrutiny arrangements, such as a reduction of committees from 3 to 2 or 1. To better utilise and concentrate the expertise and knowledge of members. Consideration to the formation of a joint MKIP scrutiny committee.
2. Provide cabinet scrutiny through committee, and focussed overview through collaborative cross party member working groups. To consider the merits of dividing the two.
3. Improve clarity and understanding of the role of O&S for Members – member training / workshops.
4. Improve political neutrality through the addition of independent member/s.
5. Refresh the format of O&S to create a distinctly different experience to cabinet and other Committee environments to innovate the format – meetings during the day, outside of the Town Hall, presentations, work shops etc.
6. Raising public interest and engagement through Facebook/Twitter and other social media to allow members of the public to be involved - members of the public to submit 'ideas' (similar to that of Canterbury, or to the previous Maidstone e-bulletin).
7. Reconsider and address the chairmanship role for O&S committee – provide clear training and support to enable effective delivery of the role.

Appendix C - Interview Notes

8. Invite more Officers for interview and external invitations of relevant stakeholders.
9. Implement a system to capture and report on scrutiny recommendations – to allow for clear responsibility and accountability over recommendations and actions (rapporteur?).
10. Implement clear accountabilities over the delivery and impact of the O&S system – mandatory annual review of decisions to Council, presentation to Council, percentage coverage of key decisions/recommendations implemented etc.

## Corporate Governance Working Group: Interviews Notes – Key Points

### Chris Garland – Leader of the Council:

Has experienced the committee and cabinet system of governance.

Key advantages of the current cabinet system:

- More effective (faster) decision making
- Accountability
- Allows the Council to set and work towards a clear strategic direction

In the committee system decisions could be officer led.

Pre-decision scrutiny is not being used appropriately – this process, if used properly could resolve back bench engagement.

How can we improve Members involvement if they are reluctant to take part?

Cabinet advisory bodies (such as KCC) allow member to be involved before a decision is made – to formally influence decisions.

[The working group raised concerns over member training]

Should there be (is there) a member led group to consider and focus on member training specifically? Should there be one? New Members specifically are not clear on their role, needs to be better role clarity.

In order for decisions to be influenced, input has to be before the decision has been made. If scrutiny is not involved until after the decision has been made, then there is little chance that they are going to actually influence or change the decisions.

Members are defensive towards the call-in – it is only through effective pre-decision scrutiny that members can really see the impact and influence they have over decision making.

Members are not always aware of the decisions being made by the Cabinet – without proper use of the forward plan (record of forthcoming decisions) this is insufficient time to allow for effective pre-decision scrutiny.

### Improvements:

- **Abolish Scrutiny and set up a cabinet advisory committee – or a cabinet advisory board for each Cabinet member. Members need to see real results and outcome from their involvement. Scrutiny in its current form is not an effective way of involving back benchers**
- **Member training – educating Members of the scrutiny role. It is not being used effectively**

## **Eric Hotson – Cabinet Member for Corporate Services**

Has experience of working under the committee system and the Cabinet system.

Impression of overview and scrutiny is that it has become stale for Members and Officers.

At KCC there was a recognition that Members had become disenfranchised and disengaged – this was partly due to agenda setting, and Members feeling that they had no involvement in decision making.

A return to a Committee system was rejected cross party – instead, Cabinet committees were agreed cross party – falling under each Cabinet portfolio. Cabinet meetings are held as before – but with Members' options to be heard early days to help set the forward plan.

In the Cabinet system pre-agenda setting meetings are held before Cabinet. Under the new KCC model, pre-agenda meetings are held alongside the opposition, senior officers and directors. The agenda is in their plan. This creates an exciting, relevant and important agenda – which in turn has re-invigorated members and made them excited again.

The Cabinet committee meetings give members a better understanding of decisions at an early stage and provide more challenge.

Members' allowances – Members must do more based on their allowances. The input from some members is minimal.

KCC still maintain informal member groups of between 3/4 members (behind closed doors). Working groups are appointed by Committee – members have the responsibility and ownership of the work, such as writing the report.

To increase member involvement there must be a good cross-party agenda.

### Weakness of Committee System:

- Speed of decision – this could be a problem of the committee system;

KCC has experienced less call-ins because decisions are being consulted cross party and opposition members are involved. Cabinet concentrates on the decisions making, the Committees do not.

As a Cabinet member I have never been really challenged.

55 Members is too many, 30 could do the job.

### **Scrutiny:**

**Key decisions are presented to scrutiny, it is up to scrutiny members to identify and add to the agenda not the Cabinet member.**

**There is disillusionment and laziness amongst Members.**

**There is a real lack of interest in scrutiny (even if only in some members).**

**Overview and scrutiny has done its job but it is now stale.**

The KCC changes were invigorating and had real cross party support. If the Leaders are re-invigorated then it will ultimately refresh Members.

**John Wilson – Cabinet Member for Community & Leisure Services:**

Has experienced only the Maidstone Cabinet system of governance.

Bad – Member involvement

Good – Scrutiny *as a system* is good. The principles behind scrutiny are good, but they are [perhaps] not being used?

There is disenchantment as member cannot, or feel they cannot, influence decision making.

There should be clarity of how we determine which decisions require pre-decision scrutiny and which ones do not – how can we (as Cabinet) determine that?

Cross-party collaboration between Cabinet and scrutiny would provide added value to cabinet and provide effective scrutiny. But this requires Cabinet to refer and utilise scrutiny. Should Cabinet decide the decisions that should go to scrutiny?

A cross party advisory committee/group for each cabinet member is too much, but there should be the option to access a group on an advisory capacity.

Keep Cabinet – but improve scrutiny.

**Marion Ring – Cabinet Member for the Environment**

Has experience of the cabinet system at Maidstone, no experience of the committee system, and also has experience of being a Councillor on scrutiny committee.

Members need to have a clear understanding of scrutiny in order to really contribute effectively.

There was a focus shift from overview to scrutiny.

There was also a perception in the past that backbenches did not feel involved – this has not changed. It is driven by the Member, if they want to be involved they will be.

Scrutiny should not be political – people are too often trying to score political points at scrutiny. Scrutiny is being miss-used and over shadowed by political agenda.

At the beginning of each year Marion presents here plan to the scrutiny committee, and would welcome more collaboration with scrutiny, and would have no problems communicating and working through decisions with scrutiny. But, it cannot be political.

Scrutiny is member driven, and requires members to be proactive.

Scrutiny resources are there to assist members of the committee – but members are timid.

Keep Cabinet system, but with improvements: better collaboration to communicate decisions with scrutiny.

Welcome cross-party views and discussion – but not political. Rethink the format of the meetings; bring in more external people for interview.

- If member feel so disengaged, then why weren't more involved in the workshop, or the working party?

### **Malcolm Greer – Cabinet Member for Economic & Commercial Development:**

Has mostly experienced the cabinet style of governance within Maidstone, but has experienced a committee system process within a parish council.

Advantages: The speed and effectiveness of being able to actually deliver and get decisions made.

- Accountability
- Responsibility
- Transparency

Favouring of the cabinet system, as it is the system that provides accountability.

There needs to be [would like to see] some cross-party accountability:

- One committee that scrutinises key cabinet decisions; and
- One committee to provide overview

There should be more working together to deliver cross-party, potentially sub-groups (4/5 Members) working alongside cabinet. These working groups would take the place of scrutiny committees.

Members **can** make a difference, but most **new** members are not aware how.

Some backbenchers do not want to be involved!

New members need to build up expertise, [I am] very supporting of mentoring new members and happy for that to be cross party.

As a cabinet member I would value cross-party input, but before the decision is made (pre-decision scrutiny?) Could more effort be made of Cabinet to utilise scrutiny more?

### **Stephen Paine – Cabinet Member for Planning, Transport and Development Blog Entry**

#### **[Cabinet, committees, or something inbetween](#) ?**

October 9th, 2012

The Localism Act gives councils power to change their Governance arrangements. At the moment, Maidstone operates a 'leader and cabinet' system – an emulation of national Government. Effectively, there is one leader who appoints a number of portfolio holders. This small team is scrutinised and advised by the remaining councillors, who have the power to call in decisions for further analysis.

Some councillors believe this is the wrong system for Maidstone. They argue that too much power is in the hands of too few – and that backbench councillors don't have the ability to contribute to the decision making process. They point to examples when decisions have been made, e.g. to demolish King Street multi-storey car park, and that councillors did not have chance to comment on it.

I don't think this is accurate. The current system allows any member to put an item on a committee agenda. Furthermore, all members are informed of upcoming decisions via the 'forward plan' so every councillor has the opportunity to engage in pre-decision discussions. In practice, neither of these things happens very frequently – is that the fault of the system, or councillors for not being pro-active enough?

As a cabinet member, I don't feel as empowered as some backbenchers think I am! It's not within my power to simply grant decisions at will (I'm often told "of course you can do it, you're the cabinet member!"). As well as budget constraints, we are constitutionally constrained, bound by collectivity, and working within the framework of the council's strategic objectives – which were set by Full Council. Any extra work I do, e.g. seeking the involvement of the Health Trust in our Green Spaces Strategy, or looking to improve facilities for Motorcyclists, are things that any backbench member could do themselves – if they chose to do so.

Other councillors believe a committee system, where all the senior officers in a department attend every meeting, allowed them to get casework sorted. I suggest that there is no need for all officers to attend every meeting, particularly if a councillor is trying to resolve a ward matter that doesn't relate to the rest of the council. This is why we have e-mails, telephones, etc – members should be contacting officers directly!

I do concede one point in this debate, however. Being a cabinet member is an extremely isolated existence. Most my contact time is with officers, and very few members (or scrutiny committees for that matter) have sought dialogue with me on a regular basis. I have attempted to address this by pushing some of my decisions to the SPSAG advisory committee for pre-decision scrutiny; e.g. they will shortly be looking at the Statement of Community Involvement, which identifies who our planning consultees are, as well as the Landscape Character Assessment policies.

I think the current system has the power to work effectively, but it will require a cultural shift in the thinking of councillors (particularly on the Lib Dem side of the house!). I would propose that we move away from the philosophical debate that says decision makers should always be kept separate from scrutineers, and move towards an integrated system with cabinet members chairing small committees, advisory panels if you will, of backbench councillors. These panels could act as sounding boards, places to float ideas and to guide decisions before they are made. They would be a collaborative committee, informal and friendly – rather than anything adversarial and highly politicised. The advisors would be true backbenchers, not members of the shadow cabinet – who are too dominant at present and silence backbenchers at meetings.

On top of this, the roles of the existing committees should be explained again with the clarification of members' rights and responsibilities.

Councillors need to realise that, when they are pro-active, the current system offers them a huge amount of power – power which is seldom yielded at present



## **Cllr Dan Daley**

Has experience of the committee system, and was the 'lead councillor' under the committee system for 7 years, and has experience of the current cabinet system.

### Committee system:

The administration led the policy, but all parties could be involved and influence the decision. There was a lot more involvement, and every member had a role.

As a result of the requirement to adopt the cabinet system, backbench members do not feel like they have involvement or influence over the decision being made.

If given the choice [I] would return to the committee system.

### Cabinet strengths:

- Allows for quicker decision making (could be good or bad) – but it actually allows decisions to be made.

### Scrutiny:

Scrutiny at Maidstone is not the same as KCC – which provide cabinet scrutiny.

There must be a better understanding of the role of scrutiny, and not to be afraid to challenge.

Scrutiny reports have no impact – and Members feel like they will not actually influence the decision anyway.

### Improvements to current system:

- Ignore the party system, and put the best people in the role; and
- Members cannot necessarily be put in the role that they desire to be in.

## **Cllr Fran Wilson – Leader of the Opposition**

Has experienced the Committee system at Maidstone – but only under a hung administration, and has experienced the Cabinet system as the Leader of the Council and also Leader of the Opposition.

### Committee system strengths:

- Better grounding for Members on the running of the Council;
- Provide chances for the Members to gain a better understanding [of the Council] if needed;
- Members had extensive service expertise and knowledge under the Committee system;
- Provided and created stronger and a better depth of discussion and debate (politically balanced);
- Gave the opportunity to question the Officers who were actually involved in the report;
- Required officers to be more disciplined with their reports as they were challenged more – it encouraged more robust reporting;
- Provided better succession planning / improved resilience among Members / provided understanding and working of the Council;

*The ruling party still set the strategic direction of the Council and were able to pursue their political agenda.*

The breadth and wealth of experience is not possible in the current Cabinet System (particularly for the opposition).

Weaknesses of the Committee System:

In a hung administration (as Maidstone was for many years) Officers would have to meet and speak with each group separately, this used resources and time to essentially deliver the same message.

Cabinet system:

Strength – Cabinet is running the Council, decisions can be made and move the Council forward.

As Leader there was no 'real' challenge to the decisions being made.

The current scrutiny arrangements do not build up the experience and expertise to allow Members to adequately challenge.

Maidstone has 55 Members and the decision making powers are in 6.

The Cabinet system has cause members to be disengaged – it has made Members ignorant in terms of the democratic process.

**What would you do?**

1. Maintain a Leader and a Leader of the Opposition;
2. No Cabinet
3. Have a Main Committee (Policy & Resources) – consisting of the Leaders and leading political speakers etc.
4. Establish 3 service committees  
(The Regulatory Committees would remain)

Opposed to the KCC / TWBC models of governance which does not work - it cultivates a 'cosy' relationship and essentially 'muzzles' scrutiny.

Scrutiny Considerations:

There should be a more proactive and effective use of pre-decision scrutiny – it should not be Cabinet led.

Chairmanship should not be the same as the Administration.

Quality of Chairmanship needs to be improved – essentially Officers write the scrutiny reports.

The induction of new members and continuous professional development is not effective.

**Interview with Overview and Scrutiny Chairmen: Councillors Blackmore, Burton and Gooch**

Only have experience of the present system

Current System, How is it working?

All members have the opportunity to have their say at scrutiny, they can all request items from the forward plan be scrutinised, the work programme is annual but fluid.

Some reviews have been successful and some have been a waste of time.

Some cabinet members are easier to work with than others.

It is easier to look at a decision or report before a decision has been made, pre-scrutiny is more successful in terms of shaping and influencing decisions and policy.

The current terms of reference is too broad and number of committees too small.

Feedback on the old system was that decisions took longer and roles were unclear, particularly when the council was hung.

Reports we are given are of a poor quality.

Scrutiny is a toothless tiger.

The budget cross party scrutiny working group has been useful in involving more members in a complicated process

To many councillors, the number of councillors could be reduced and multi-member wards don't always work well.

### Training

Training needs to be spread out and mentoring should be encouraged.

How do we appraise and assess the chairman of scrutiny?

Members need to ask if they do not understand what they can and cannot do.

### Culture:

There needs to be a culture change, cabinet need to involve us earlier, members have to lead and be involved more.

We haven't made the best of the current system.

Don't change for the sake of change, it is a matter of changing the culture and attitude, the tools are in place.

## **Interview with Cllrs McLoughlin, Munford and Mrs Grigg**

### Experience

Limited experience of the present system as all fairly new and no experience of the Committee system

### Cabinet System

- Do not believe they have influence in terms of decision making or in their role in scrutiny.
- Not always given the opportunity to speak at committee meetings or full council
- Scrutiny seen as a rubber stamp for decisions
- Members need more training
- Would like to take a more active role in decision making
- Scrutiny is effective when it is working

### How could it be improved?

- Allow more opportunity to influence decisions
- Every member should be able to vote and have a say
- The current system is not working

## **Interview with former Councillor, Mr Paul Oldham**

Has experience of both the committee system and the present system, both as an officer and as a Councillor.

### Committee System

Pros:

Provided a lot of work for councillors.

Cons:

Not very efficient as to many members on the committee.

No opportunity to create a strategic vision for the council.

Officers can manipulate and direct.

Committees end up dealing with smaller issues.

### Present System

#### Pros:

External witnesses giving evidence to the council.  
Efficient and effective system.  
Cabinet decisions are transparent and clear.

#### Cons:

We have too many councillors who all need a role would be more effective if we reduced the number.

If a review does not fit with the executive agenda its findings will be ignored.

Pre-meets stop debate at Cabinet meetings.

### Improvements:

Does not make sense to put overview and scrutiny together. It should be split, scrutiny is looking at and challenging the executive and should be run by the opposition. Overview is an opportunity to look at strategic topics in detail

Would be in favour of an elected Mayor, failing that a cabinet system with less members (35) and single member wards.

## **Interview with former Councillor Mike FitzGerald**

Brought notes with him outlining views about improvements to the current system.

## **Overview and Scrutiny Evolved at Maidstone**

First let me say I fought strenuously to ensure overview was given its rightful place in the scrutiny process, and indeed raised the issue at full council gaining cross party support.

Early governance has changed, much has been dismantled and I would ask that Members take time to look back and take notice of what made Maidstone so successful in the early years of overview and scrutiny.

## **Training**

The Local Government Act of 2000 and the introduction of overview and scrutiny brought with it an unprecedented change in the role of elected members. The skills needed under the old political arrangements, while still useful, were not enough in themselves to enable Councillors to fulfil their new role in conducting policy reviews, monitoring cabinet decisions and getting the most from witnesses. Training became a must and it is interesting to recall that we worked with RADA enterprises to gain skills in questioning witnesses.

## **Kent-Wide Initiatives**

Great emphasis has been placed on partnership working. Witnesses included the Police, Fire and Rescue, KCC, Other Districts, Parish Councils, Youth Forum, Mobility Forum, Environment Agency and many more. Joint working groups were formed, like the health scrutiny with Tunbridge Wells, and a Youth Scrutiny was introduced and the committee presented to Full Council.

### **2003 Best Practice**

Maidstone was regarded as a recognised leader in the field of overview and scrutiny. It was cited as an example of best practice in the ODPM report carried out by INLOGOV. There was a whole page of accolades with quotations from the Institute for public Policy Research, CIPFA, IDEA, Parish Councils, Residents. These are fully reported on page 27 of the 2002-3 Scrutiny report when the then Chief Executive wrote – 'word of our achievements in Maidstone continues to spread and throughout the year we have been visited by other local authorities looking to learn.

### **Overview and Scrutiny Changes and Cuts**

Maidstone mainly because of its annual elections seems to indulge in change and cutting of the Overview and Scrutiny offer. It allows annual change to be considered and removes continuity seeking to rush all business to conclusions while limiting the sharing and follow up of some of the excellent work produced by committees.

I have always recognised the need to address savings, but cuts should not be made first before we review options. Members should first and look for alternatives ways of delivering a service before making decisions to cut.

This review of Governance, I see, as giving Members an opportunity to consider whether the changes/cuts were too severe, or the right one. Have changes reduced member input while isolating even eliminating back bench views being heard?

### **What has been most effective?**

The really successful element of Overview and Scrutiny was the Cabinet Member Decision meeting. This gave the opportunity for any member to first raise issues with the Cabinet Member and then to attend a meeting with others to argue for major changes or minor amendments. A cabinet member was much more likely to listen in advance of making their decision whereas once a decision has been made they will stubbornly reject change.

Calling-in the decision being the only option left.

### **What service is cost effective?**

The cost of call-in this is not inconsiderable and delivers little or no change at such a late stage of the process whereas the cost of the Cabinet Member meeting delivers better sharper cross party decision making that shows empathy to the process and saves in most cases the costs of call-in.

### **The Number of Committees**

There are a number of models all that work successfully and Members can decide what best serves Maidstone and is cost effective. What matters is that the selected model allows for small sub-groups of member to respond to current issues outside of the major pieces of work being undertaken. This makes for timely governance.

### **Issues for Members to consider**

1. Bring Back the Cabinet Member meetings.
2. Many more Overview and Scrutiny meetings to be held outside the Town Hall
3. More Overview and Scrutiny meetings to be held in the daytime.(Some members may require substitutes).The public cannot send substitutes when they are unable to attend in the evening.
4. What happened to the Youth Scrutiny? We need to encourage providing democratic opportunities to the young and give them a platform to air their views.
5. Consider Overview and scrutiny committees using 'social return on investment' to measure social value. This can measure what matters.
6. Review opportunities for joint Overview and Scrutiny meetings with KCC, other districts, police, small business, Town Centre Management, voluntary and community groups, Chamber of Commerce.
7. Taking Overview and Scrutiny reports to Full Council to allow recommendations to be debated.
8. Sharing final reports to a much wider audience.
9. Scrutiny Chairman and Vice Chairman to personally drive any report and be an active part of preparing the draft report for the committee.
10. Leave adequate time to respond to immediate issues

### **Current Issues where Scrutiny could influence decisions**

Purple Flag: Did the extra mobile toilet swing the balance - should a permanent solution be provided.

Urban Neighbourhood Planning

The future of the Town Hall

Revisit the need for a Tourist information Centre

Is senior management top heavy

Is Town Centre Management really reflecting the Business and shoppers needs?

How many Sex establishments should we support?

Does Urban and Rural Maidstone really work?

How will the changes in Public Health effect Maidstone

How will the Cuts in Adult Services impact on Charities and their services

Will commissioning of services bring in the big boys and exclude local provision?

Should the transport Strategy re-visit the need for a bypass?

Why not bring back the Big Debate to support decision making

What's happening to LEP funding?

Art irrespective of where you live

The place of Public Libraries in the community

What are the really essential Youth Services?

Mike FitzGerald

No less passionate.

## **Written Evidence from Cllr Moss**

### **Governance**

The recent Corporate Services committee briefing was useful and I give my feedback having had the time to consider what we were told.

It is apparent that the Leader/Cabinet system has advantages in that it provides timely decisions made by well briefed executive members.

The Scrutiny system has been successful in the past but there are current concerns about its effectiveness. In particular members feel they have little input in decision making. They have little contact with Cabinet members and indeed a Cabinet member commented he felt isolated.

In the early days of Scrutiny some useful and beneficial projects were completed. Scrutiny is a victim of its own success and the success of council policies brought about by the need to save money. However there are still projects which could benefit from a scrutiny enquiry. It must not be forgotten that scrutiny has the important function of reviewing executive decisions.

### **A Solution**

Scrutiny committees should reflect the executive member's portfolio. Cabinet members should attend Scrutiny meetings (it is appreciated that sometimes this will not be possible).

There should be an item on the agenda 'Briefings and questions to Cabinet member'. This would give the Cabinet member the opportunity to discuss ideas as they are formulated and for members to question matters within the portfolio. Such a system would give members more involvement (and would mean most members would be a member of scrutiny) and the Cabinet member would have the benefit of member's advice. Some cabinet member decisions are purely formal and would not need discussion but in more contentious matters discussion before decisions can be an advantage. It should not be forgotten that there are other avenues to affect decisions, for example by use of 'call in'.

These suggestions make minimum changes to our present system which has generally served us well over the last 11 years. However these proposals do address the main concerns of members. It might be that comments will be made on the cost, as ideas such as one scrutiny committee could be cheaper, but it would not involve a great proportion of the members. The cost should not be an issue as the advantages of involvement; better consultation and spin off of a better informed membership would make a more effective council.

I commend these ideas to members. One last comment, 'It is members who determine policy and officers who implement it'. I do have concerns that often scrutiny committees prefer micromanagement rather than looking at wider strategic issues.

Brian Moss

Corporate Services Committee.



**Alison Broom – Chief Executive:**

Has experience operating under the committee and system and the cabinet system, and experience with high-profile and highly politicised decision making.

The political make-up will ultimately impact on the governance arrangements – a single majority will ultimately influence the decision making and strategic landscape of the Council.

From an Officers perspective there needs to be clear decision making – having the right information and being able to bring that to the decision maker.

There needs to be a clear understanding (constitutional) between an officer decision and a member decision.

The transition from a committee system to the cabinet system altered the balance of decision making.

Under the committee system, a committee could have a clear scope of their role and responsibility; collaborative working arrangements were in place between the 'lead' officer and the committee chair/vice.

Under a majority ruling leadership discussions on the strategic focus and view of the Council was generally conducted in the political group behind closed doors.

No matter the political landscape, it should not make decision making unfair. There is a clear distinction between:

- Making a decision; and
- Getting to a decision;

Improving member involvement and engagement requires members to have the right appetite for pre-decision scrutiny.

[In response to members expressing the scrutiny has little influence/impact]

Focus on the things you can influence. Is scrutiny choosing the right decision to look at – identification of work for scrutiny.

The committee system does not provide pre-decision scrutiny unless you defer.

From an Officers perspective the cabinet system is not necessarily quicker – but if urgent/important decisions need to be made they can be.

Suggestion that the group could conduct a 'test run' of any recommendations to see how they may work.

**David Edwards – Dir. of Change, Planning & the Environment:**

Has experience of both the committee system and the current cabinet system, and also experience as a previous manager of scrutiny.

In the committee system additional time, resource and information was spent with the groups prior to going to the committee for a decision. Experience suggests that the system resulted in slower decision making. However, it did involve more members.

At the time of moving to the cabinet system it was thought that decisions were being made by few. Member briefings were issued at the time of shifting from committee to cabinet system to create member debate and increase awareness.

Committee would often by-pass cross cutting issues (those that impacted on other service committee or the Council as a whole). There was also a disproportionate time spent on the operational aspects of the business.

The current system provides increased accountability. From an Officer perspective the Cabinet member is a clear point of contact, with the accountability and responsibility to make the decision. Decisions can be made swiftly; however, strategic decisions can be taken in time.

Improvements to the system:

- The size of the Cabinet is considered to be appropriate – and it's scope for responsibilities are fair;
- It's **overview** & scrutiny – reduce the membership of O&S committee to 1, with the support of working groups;
- Utilise expertise of the member, and improve passion;
- Employ a level of flexibility over the Committee – could rethink the format, allow more innovative and creative officer reports and interviews;

At the same time officer needs to get better at distinguishing between what is a member briefing and what is a member discussion, particularly with feedback from member workshops and discussion.

Is there enough officer involvement – could officer consider proactively engaging members and scrutiny?

## **Zena Cooke – Dir. of Regeneration & Communities**

Has experience of the committee and cabinet systems of governance.

Member's participation is not dictated by changing the process and procedures; it is about how Officers and Members interact – with support from working groups and group leaders.

The most effective arrangements, in experience, have been where there is a strong culture for member development and particularly pastoral support for new members - where member development is treated the same as officer / organisational development.

Consideration needs to be given a more proactive induction to include service inductions as well as political

There is a distinct difference between members feeling engaged, and member being engaged. A key challenge, is in identifying those members that want to do more and engage, but who do not know how to.

In experience, the Committee system did not engage all members.

Members need to maintain but take ownership of continuous professional development (CPD). We can be more proactive around inducting new members, introduce service inductions as well as senior politician inductions.

There should be absolute clarity over our role (the Council) and the roles of the Group Leaders and Groups.

Members need the confidence and knowledge to be able to know what questions to ask; and to know what levers they can pull in order to get involved.

All the mechanisms are there, changing the governance arrangements would not necessarily have a bearing on that – we should refine what we have.

Previous experience of OSC: They had a spine of key decisions supported by a task and finish groups which added to the work programme. These groups involved members from outside OSC and drew on their experience and knowledge. This allowed the interests of Members to be addressed.

Consideration could be given to linking member core competencies with member's allowances.

As an organisation we need to have the right support mechanisms in place to enable Members to fulfil their role.

If these are in place we could easily support fewer overall Members – and reduce them from 55.

Conclusion: Keep what we have, but make it better. Focus on the process, rather than the structure.

## **Paul Fisher – Head of Legal Services**

Has experienced the committee and cabinet system of governance.

Based on both systems at Maidstone it is not possible to compare like with like. During operation of the committee system the Council was always politically balanced. The Council became majority ruled very soon after adopting the Cabinet system. Therefore adoption of the committee system could result in something similar.

One of the key experiences with the committee system was that you could never be sure that a decision could be reached, or what the outcome would be. Many decisions resulted in deferral.

In times of political disagreement the Officers can often be the battleground. There was bullying of Officers during the previous system.

### Cabinet system:

#### Strengths

- More likely to actually get a decision made (speed of process);
- There is clear responsibility and accountability (certainty);

#### Weakness

- Do not get the debate, and if you do, the decision maker will still make the decision;
- There are no representations being made against decisions makers;

Training: Too much too early? Training needs to be better programmed.

### **Scrutiny:**

**Pre-decision scrutiny is not being used properly; it is the only way to really influence decisions;**

**Post-decision scrutiny is not having the impact – decisions are not being changed;**

**Members need to be responsible for call-in and be mindful of why;**

**Members need to be proactive and get in early to be involved in decisions;**

**Quality of chairmanship – need better understanding of their role;**

- Cabinet agreed to the review of post scrutiny decisions – what happened to it?

**Neil Harris – Head of Democratic Services:**

Has experienced working under the committee system and the cabinet model.

“The current system provides better transparency and accountability”

Committee System:

In the committee system it was difficult to determine *who* made the decision – there were also a lot of deferred decisions resulting in delayed decision making.

One way to address accountability would be to implement a clearer record of decisions – this could be achieved easily through the Democratic Services support – similar to that of Planning Committee.

The committee system resulted in the creation of ‘one-off’ advisory groups – which were sometimes used (or *could* have been used) to divert Member attention to ensure that the usual business could be conducted.

Whatever system the Council adopts it is important for there to be clear Terms of Reference, and clarity over what are delegated decisions and what are member decisions.

A hybrid model will lead to confusion over the accountability of decisions – and will required more resources to support and deliver.

Of the current 55 Members, 19 have experienced the old committee system style of governance. The rest have not.

Moving to a committee system could disengage members further, and actually put them off.

Other considerations:

- Members develop – how to use the democratic tools in order to influence a decision – not all Members are aware of what they can do be involved and influence decision making
- Encourage members to get involved
- Reminders – bite sized, must be accessible
- Co-option to working groups?

**Possible Improvements to the current system – SCRUTINY FOCUSED:**

- **Reduce Scrutiny from 3 committees to 1**
- **Improve collaboration between Cabinet and Scrutiny**
- **Improve accountability and follow-up of scrutiny recommendations / actions**
- **Have a system to capture scrutiny recommendations, to record both the recommendations and the actions taken**

Question	Thinking about the present Cabinet and Leader System what do you like and/or dislike?	How could the present system be improved	Thinking about hybrid Model 1 (service based committees making decisions with 1 overview and scrutiny) what do you like/dislike about this model?	Thinking about Hybrid Model 2 (a model similar to KCC), what do you like and/or dislike about this model?	Thinking about the third option to return to the committee system, what do you like and/or dislike about this model?
<b>Key Points</b>	<p>Liked:</p> <ul style="list-style-type: none"> <li>• Speed of decision making</li> <li>• Ability to be decisive</li> <li>• Allows clear strategic direction</li> <li>• Efficiency of decision making</li> </ul> <p>Dislike:</p> <ul style="list-style-type: none"> <li>• Lack of transparency</li> <li>• Not enough members involved in decision making</li> <li>• Undemocratic</li> <li>• Disempowerment of ward councillors and their residents</li> </ul>	<p>Greater pre-decision involvement</p> <p>More input from Members</p> <p>More use of the scrutiny system</p> <p>Better forward planning of decision making</p> <p>More consultation</p>	<p>Allow more members to be involved</p> <p>Members can build expertise</p> <p>Overly cumbersome</p> <p>Slow down decision making</p> <p>Decisions will take to long</p> <p>Provides a fairer way of making decisions</p> <p>No need for a scrutiny role</p>	<p>Could work, would be better than the present system</p> <p>Good to have pre-decision involvement</p> <p>A fudge that brings the worst of both worlds</p> <p>Decision making will be to far away</p> <p>Does not give enough representation</p> <p>complicated</p>	<p>concern over the speed of decision making</p> <p>can't go back to where we were</p> <p>cumbersome and lacked direction</p> <p>would engage the whole council</p> <p>not particularly a good move</p> <p>no forward planning</p> <p>lack of accountability</p>



**1. Thinking about the present Cabinet and Leader system what do you like and/or dislike?**

there is not enough member to cabinet involvement prior to decisions being made and taken.

1/11/2012 14:33V

I do not like the fact that MBC has 55 councillors and it feels as though 6 are making all the decisions.

31/10/2012 18:50

Like - decisions are made quickly and are able to be put into effect in a timely fashion; current Cabinet operate on a democratic basis, ie Leader has not got a veto; the Committee system was too much of a talking shop and not a decision making body, with the result that the Council tended to be Officer led Dislike - not enough members involved in decisions, despite the o & s function, resulting in back bench members becoming less and less involved with outcomes; perhaps (despite o & s involvement) not enough consultation with members

31/10/2012 17:08

I am not keen on the Cabinet / Leader system. It appears unfair and in practice does not fully involve other members who could provide better input to the process. The current system quite undemocratic and lacks transparency.

25/10/2012 21:37

I feel we backbenchers are not kept fully aware of all the decisions made.

25/10/2012 16:15

Dislike

25/10/2012 15:30

A cabinet and leader system makes for better decision making in the sense that the process is speeded up and the council become more decisive in the approach it takes. It also enables a strategic direction to the organisation to be given which would be lost by returning to the outdated and outmoded committee system

24/10/2012 11:32

Strongly dislike the disempowerment of individual Ward Councillors (and therefore their residents) and the disproportionate influence given to Council officers and well-connected individuals and organisations. The benefits accruing from individual Councillor expertise and local knowledge have effectively been extirpated from the system. Scrutiny function is purely a distraction and sop to disempowered non-Cabinet Members. Since the introduction of Cabinet system Maidstone Borough Council policy has become increasingly divorced from the wishes of local residents and their elected representatives. It is inconceivable that the High Street re-surfacing debacle or proposed strategic



## Governance Review – Summary of Member Survey Responses

site allocations at Newnham Court Farm or M20 Junction 8 could have arisen under the old Committee system.

23/10/2012 15:40

Decisions are quicker - strategy and direction are defined - single members can be held to account

23/10/2012 15:26

Current system is time efficient compared to the old committee system

23/10/2012 11:39

Councillors are an irrelevance. Remove the permanence of the leader's position making it democratically responsible. One cabinet member has the power to use his position to carry out a personal agenda to spend say £4M with the use of threats of resignation.

23/10/2012 8:55

it is open and positive

22/10/2012 17:43

Accountability, all members can get involved in scrutiny whether or not they are an "expert in the field" or a member of the committee. Every councillor has the right to call an item to a committee and the scope of each committee is only limited by their imagination.

22/10/2012 17:26

I like the present system as it gets things done

22/10/2012 16:18

Cabinet system is efficient in getting decisions and cabinet member is always well briefed and knowledgeable about his portfolio

22/10/2012 15:44

It is not transparent especially to the general public

Submitted by hand November 2012

## 2. How could the present system be improved?

pre decision committies or groups to assist cabinet or cabinet member with decision making

1/11/2012 14:33

I would like to see a hybrid of the current system working alongside a committee system

31/10/2012 18:50

Perhaps each Cabinet Member should consult with a (small, politically balanced) group of people before publishing a decision to get a broader input/views and iron out some difficulties which subsequently arise

31/10/2012 17:08

The present system requires far greater input from more members. We need to engage more members, allowing them to discuss and argue items with officers and not just chairman, group leaders and cabinet members. We need much more debate, which does not happen at the moment.

25/10/2012 21:37

I believe cabinet should be repalced by group leaders so decisions are shared and debated more fully cross party who ever is in control.....more working together we hopefully want the same aims to benifit the borough.

25/10/2012 16:15

Changed

25/10/2012 15:30

There needs to be more use of the scrutiny system in advising cabinet members on the decisions they are about to take. Members need to be made aware of what they can do with current system of scrutiny.

24/10/2012 11:32

Cabinet system is totally undemocratic and leads directly to poor governance. It is totally irredeemable in my view and should be scrapped.

23/10/2012 15:40

More use of Scrutiny Committee in the pre determination phase - better use of skills - identifying skills within the Councillors, sometimes we do not know what they are.

23/10/2012 15:26

## Governance Review – Summary of Member Survey Responses

Associate back benchers more closely with Cabinet positions on O &S Committees

23/10/2012 11:39

It is ponderous. Direct involvement of councillors in decision making which is effective..

23/10/2012 8:55

i do not think it needs improving

22/10/2012 17:43

We need to find a way to silence some of the councillors with loud voices. Backbenchers don't get a word in edgeways sometimes because the same old faces, often self-appointed "experts", dominate debates and conversations. Similarly, Cabinet need to have a better plan of action than the Forward Plan. It sometimes seems like they are going from one decision to the next, specified by officers and the council's day to day work programme, without really having a vision or a strategy to work towards. Sometimes, the work programme is boring and this puts off backbenchers!

22/10/2012 17:26

have a SMALL shadow committee for each Cabinet Member

22/10/2012 16:18

Better consultation with scrutiny prior to contentious decisions

22/10/2012 15:44

Full scrutiny before decision is made

Submitted by hand November 2012

**3. Thinking about Hybrid Model 1, (service based committees making decisions and 1 overview and scrutiny) what do you like and/or dislike about this model?**

this model may be good in that members to the committes would be or have some expertese in the area of discussion but not to come back to council for signoff as this could slow down decisions.

1/11/2012 14:47

I prefer this Hybrid Model as it will involve more Councillors in decision making.

31/10/2012 18:52

This sounds bureaucratically cumbersome, although the advantage of the old Committee system, ie you get experts on particular aspects of the Council's activities, does have its appeal. Despite being at the Governance Seminar, I'm not clear on where the cabinet member comes in here, or have we now done away with this position. If so then it is not going to work well. Committee decisions are never effective and no one takes ownership of the decision to see it through. So 1 like and 2 strong dislikes

31/10/2012 17:10

This is my preferred option it provides a greater input to the subject or item in question than we have at the moment. I believe it would engage members more, compared to the other options and provide a fairer level of decision making.

25/10/2012 21:41

best of the 3 options

25/10/2012 16:20

Not sure

25/10/2012 15:37

Dislike because it is cumbersome and does not deal with the problem of members not knowing the extent of abilities they have under the present system. Simply changing a vehicle does not make better drivers! Will create a less decisive organisation and the overall poolitical strategic direction and objectives will become diluted and lost. More deferrals of decisions and general drift.

24/10/2012 11:36

No need for Overview and Scrutiny role within a Committee system - as this role is delivered by the Committee system.

23/10/2012 15:49

Too much stress would be put on one Committee - The Committee system in all forms of research has shown that whilst committees make more right decisions than individuals, it takes a longer time to come to a consensus

23/10/2012 15:26

This appears to be a fudge being neither one good idea or another

23/10/2012 11:45

to much just another talk shop

22/10/2012 17:55

Members have less involvement and/or influence over matters in different committees. E.g. you may be on the environment committee... but an issue may come up that sits under housing. If you're not on that committee, what means do you have to influence it? Currently councillors can put any item they like on an agenda. Also, the scope is probably too narrow to allow councillors to think about issues outside of their normal remit (and with increased partnership working, joined up thinking, big society, place shaping, etc, we probably need to get out of that classic mould!). Finally, I don't think this system can make the tough, unpopular decisions that need to be made over the next few years. Too much party politics, pleasing the electorate, etc, comes to play. How does the policy outcomes of one service committee tally up with the strategic objectives of the council as a whole? Could you have a austere environment committee at loggerheads with a keynesian housing committee? Backwards and bonkers!

22/10/2012 17:38

Likely to lead to delays in decision making, committees become talking shops and members not likely to be well briefed or understand fully decisions

22/10/2012 15:49

Would give backbenchers involvement in decision making. Could be arduous for those on scrutiny committee.

Submitted by hand November 2012

**4. Thinking about Hybrid Model 2, (a model similar to KCC with Cabinet Committees, Cabinet and Scrutiny), what do you like and/or dislike about this model?**

this again is helpful in that pre decision the committee can be helpful in forming an appropriate outcome before signoff by cabinet.

1/11/2012 14:47

Too similar to our current model

31/10/2012 18:52

I think this could work, but we will have to dispel the belief that this works only where there is a heavy political balance in one direction. Having politically balanced advisory committees should assist in this regard, and the advantage of Hybrid 1 (expertise in a discrete range of fields) is brought into play. This is the preferable option

31/10/2012 17:10

I think this is a little top heavy. One thing that must be considered here is the actual make up of each committee. I do not think this gives as much representation as Model 1.

25/10/2012 21:41

do not feel this would bring much change ... still too much onus on the cabinet. cabinet advisory will just be doing the work for the cabinet ! we need to work together

25/10/2012 16:20

Dislike Members have less involvement in decision making "too far away"

25/10/2012 15:37

Better than committee as you maintain the strategic direction and objective setting of the authority but pre-decision scrutiny can take place under the current system if only members knew this, from cabinet to 'backbenchers'. Again, changing the vehicle does not make better drivers.

24/10/2012 11:36

The Committee system is tried and tested and works. Cabinet and Scrutiny has been tried and failed. A hybrid is a fudge that brings the worst of both worlds

23/10/2012 15:49

As above

23/10/2012 15:26

## Governance Review – Summary of Member Survey Responses

This appears to have advantages over current system operating at MBC

23/10/2012 11:45

may be a way forward

22/10/2012 17:55

It connects the cabinet members with councillors, which is where our current system has gone wrong. However, I think the cabinet committees should be chaired by the cabinet member. This way they can use it as a sounding board to share their own thoughts and ideas, and delegate work as necessary. If they are a witness to a mini-scrutiny committee, it may be too adversarial (and we want our cabinet members to be open and honest, not defensive and elusive.

22/10/2012 17:38

For a smallish District council this system is overly complicated and would not improve decision making. Present cabinet/scrutiny system better

22/10/2012 15:49

Final decision still with cabinet although more members would be involved in the advice/scrutiny to cabinet before they make their decision.

Submitted by hand November 2012

**5. Thinking about the third option a return to the committee system, what do you like and/or dislike about this model?**

I feel this des not help decisions as they can be sidelined by being a talking shop even though it may be for better more back bench involvement

1/11/2012 14:47

I have never worked in a committee system.

31/10/2012 18:52

Not a goer I'm afraid. For the reasons outlined in Q1 (slow decisions, woolly decisions, no ownership of the decisions, officer led "democracy")

31/10/2012 17:10

I do not think a return to the old commitee system is not particularly a good move, as it was cumbersome and lacked direction. This system sounds good but in practice can be slow and awkward and non productive.

25/10/2012 21:41

dont believe in going back wouldent work now.

25/10/2012 16:20

Like This bring all members close to the decision making function

25/10/2012 15:37

Same as my answer to three

24/10/2012 11:36

The Committee System engages the whole Council Membership and officer corps and debate it stimulates draws out local expertise and knowledge. The common sense present within the Committee system rails in and tempers enthusiasm for fraught policy changes. Local Plan development within MBC was, for example, far more democratic responsive to local concerns than the current evolving Core Strategy. The current Planning Committee is a good example of how well the committee system can work and where genuine cross-party consensus and debate can improve decision making.

23/10/2012 15:49



## Governance Review – Summary of Member Survey Responses

It will take too long, there will be little or no direction, direction and strategy could be at the whim of one or a small group of members - there would be no forward planning of any meaning No one could really be held to account

23/10/2012 15:26

This was time consuming and allowed too much control by officers

23/10/2012 11:45

would not like this would just become talk shop

22/10/2012 17:55

"They don't make it like they used to!". What I don't understand about this system is how the council gets any sense of direction or moves forward with ideas. Without leadership, who decides the strategic objectives? Who agrees risky (perhaps unpopular) but exciting new initiatives that ultimately benefit the borough? That said, it is always good to involve members - and the committee system is very inclusive indeed.

22/10/2012 17:38

Delays decisions and decisions likely to be politically based rather than what is best for the town. Become a talking shop

22/10/2012 15:49

Preferred option. All members involved in decision making with open debate at full council. transparent although would mean more full council meetings.

By hand November 2012

## Corporate Governance Working Group – Member Workshop

### Open Invitation: All Members Workshop (7<sup>th</sup> October 2012):

**Attendance:** 15 Members (5 of which from the working group)

Key notes from the open discussions:

Is 55 Members too many?

- Maidstone has a growing population, and has the population to support (justify) 55 members;
- If 55 is the right number, there needs to be a structure to support getting them involved in decision making;
- With fewer Members comes less time, and more pressures / expectations;

Paper packs:

- Report agendas make it difficult to see exactly what decisions are being made – they should be brought to the forefront, to grab members attention;
- Paper packs are no longer circulated which discourages members to ‘hit’ key issues – members do not feel that their input has an impact;
- Not all members read their papers!

Feedback on the systems of governance:

- Cllr Paine – Being a Cabinet member can be isolating – a hybrid system would improve member involvement;
- The current system allows for quick/snap decisions (that need to be made quickly) to be made;
- Cllr Ash – The speed of the cabinet process can result in decisions being made too quickly without effective challenge;
- Group discussion – Weakness of the current system is that not enough members are or feel like they are involved;
- Members lack sufficient knowledge and expertise – “jack of all trades but master of none”;
- Too much focus on scrutiny, and not enough overview – reports and recommendations are not revisited;
- The committee system led to more decision being made at full Council;
- The Council needs to make the right decision, not a financial decision;
- The system must not eliminate the overview side of the decision process (such as research). Would this be lost in a Committee system?

Accountability:

- Perception that Cabinet members are not being held to account;
- Scrutiny chairmen are not being held to account
- Cllr Paine: In a committee system would you get a decision made? And would there be clear accountability of that decision?

Cllr Joy: Scrutiny pre-meetings with the Chair and vice have too much influence. As a member of that Committee it is difficult to challenge, as a result members feel like they are just ‘dragged’ along. (Do members have the confidence to speak up and challenge?).

Cllr Lusty: It comes down to the competence of the Chairman. They must know their role – they are not good enough.

TWBC / KCC model:

- Allows for cross-party pre-decisions discussion,;
- Group is politically proportionate;

## Appendix E – Member Workshop Notes

- Cllr Mrs Wilson: There are practical barriers for collective accountability – advisory boards effective ‘eliminate the opposition’;

### Communication:

- Cllrs cross party do not talk enough;
- Need to get away from party line in order to build up strong working relationships;
- Cabinet members actually want constructive dialogue with Members, working together;
- There needs to be a system in place that is the best for Maidstone, not political administration – it need sot stand the test of time;

### Succession Planning:

- Members knowledge and expertise has been eroded;
- Under a hybrid approach (service committees) Members could ‘specialise’ or gain all round knowledge;
- There was a much stronger cross party balance of knowledge;
- The current cabinet scrutiny system does not provide this;

Cllr Paine: Have we just failed to adopt the current system properly?